

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

REBECCA SHANNA RUTLAND
HOLLADAY

VERSUS

DEUTSCHE BANK NATIONAL TRUST
COMPANY, ET AL

CIVIL ACTION

NO. 10-448-BAJ-SCR

RULING

This matter is before the Court on a motion by defendant, United States Small Business Administration (“SBA”) to dismiss or in the alternative a motion for summary judgment (doc. 6). The unopposed motion was submitted to the Magistrate Judge for a Report and Recommendation pursuant to 28 U.S.C. § 636 and the Report and Recommendation was filed into the record of this matter on November 1, 2010 (doc. 9). On November 12, 2010, well after the deadline for filing an opposition to the motion, but well within the period for filing objections to the Report and Recommendation, plaintiff filed a document captioned “Memorandum in Opposition to Motion to Dismiss or in the Alternative Motion For Summary Judgment (doc. 11).

The document does not meet the submission requirements of a motion for summary judgment as plaintiff did not submit a statement of undisputed facts pursuant to LR 56.1. Moreover, the document merely repeats legal argument already addressed by the Report and Recommendation dated November 1, 2010.

Therefore, even if the Court construes the document as an objection to the Report and Recommendation, it fails to controvert the reasoning presented therein.

The Court, having carefully considered all of the above in light of the applicable law, approves the Report and Recommendation dated November 1, 2010 and adopts it as the Court's opinion herein.

Accordingly, the motion for summary judgment (doc. 6) is hereby **GRANTED** and the claims asserted against defendant, United States Small Business Association, are hereby **DISMISSED** with prejudice.

Baton Rouge, Louisiana, November 24, 2010.

A handwritten signature in black ink, appearing to read "Brian A. Jackson", written in a cursive style.

BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA