

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DAVID AIKENS

CIVIL ACTION

VERSUS

16-729-SDD-EWD


BENJAMIN JOHNSON AND  
MERRELL LYNCH-BANK OF  
AMERICA

**RULING**

The Court, after carefully considering the *Complaint*,<sup>1</sup> the record, the law applicable to this action, and the *Report and Recommendation*<sup>2</sup> of United States Magistrate Judge Erin Wilder-Doomes dated November 18, 2016, to which no objection has been filed, hereby approves the *Report and Recommendation* of the Magistrate Judge and adopts it as the Court's opinion herein.

**ACCORDINGLY**, this matter shall be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) based on Plaintiff's failure to appear, as ordered, at a scheduled hearing in this matter.

Baton Rouge, Louisiana the 7 day of December, 2016.

  
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SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA

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<sup>1</sup> Rec. Doc. 1.

<sup>2</sup> Rec. Doc. 7.