

RECEIVED

APR - 4 2012

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANAUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

ARMESTED FRANKLIN, et al CIVIL ACTION NO. 07-1011
 VERSUS U.S. DISTRICT JUDGE DEE D. DRELL
 CITY OF ALEXANDRIA U.S. MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent (de novo) review of the record including the objections filed, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that, because the original and first supplemental and amending complaints have failed to state a claim upon which relief can be granted, the motion to dismiss, doc. #127, is **DENIED** and the motion to amend, doc. #134 is **GRANTED**.

IT IS FURTHER ORDERED that the issue whether the third amending complaint states a claim upon which relief can be granted shall await the filing of an appropriate motion and the opportunity of the parties to fully brief the issues.

THUS DONE AND SIGNED, in chambers, in Alexandria, Louisiana, on this 4th day of April, 2012.



Dee D. Drell
UNITED STATES DISTRICT JUDGE