

RECEIVEDAUG 27 2010
*ml*TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANAUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

HABEN J. LACHNEY

CIVIL ACTION 10-544

VERSUS

U.S. DISTRICT JUDGE DEE DRELL

DRESSER, INC.

U.S. MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

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

IT IS ORDERED that the Motion to Remand, **Doc. #10**, is **DENIED**.

We note that the Magistrate Judge used language regarding Navarro v. Excel, 48 Fed. Appx . 481 (5th Cir. 2002), citing it as binding precedent. While we do not find it to be binding precedent, for the reasons aptly pointed out by counsel, it is nonetheless well reasoned and correct.

THUS DONE AND SIGNED, in chambers, in Alexandria, Louisiana, on this 27 day of August, 2010.



Dee D. Drell
UNITED STATES DISTRICT JUDGE