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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

FOSTER L. ANDERSON, et al

CIVIL ACTION 10-1004

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 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 the Motion to Remand, **Doc.#9**, is **DENIED**.

We note that the Magistrate Judge used language regarding Navarro v. Excel, 48 Fed.Appx. 481 (5<sup>th</sup> 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 9<sup>th</sup> day of September, 2010.



DEE D. DRELL  
UNITED STATES DISTRICT JUDGE