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**UNITED STATES DISTRICT COURT**

**WESTERN DISTRICT OF LOUISIANA**

**ALEXANDRIA DIVISION**

**HENRY L. HYMES**

**CIVIL ACTION NO. 10-1167**

**VERSUS**

**JUDGE TRIMBLE**

**CITY OF NATCHITOCHEs, ET AL.**

**MAGISTRATE JUDGE KIRK**

**J U D G M E N T**

Before the court is a motion to dismiss<sup>1</sup> filed by defendants as to plaintiff's claims against defendants under La. R.S. 42:1169 and against defendant Mayor Wayne McCullen in his individual capacity under 42 U.S.C. § 1981. After careful review of the entire record in this case, including the report and recommendation of the magistrate judge<sup>2</sup> and the objections<sup>3</sup> and responses thereto<sup>4</sup> filed by the parties, the court finds that the recommendations of the magistrate judge are correct under applicable law and, accordingly, it is

**ORDERED, ADJUDGED and DECREED** that defendants' motion to dismiss is **GRANTED** for the reasons expressed in the report and recommendation previously issued by U.S. Magistrate Judge James D. Kirk. Accordingly, it is further

**ORDERED, ADJUDGED and DECREED** that plaintiff's claims against defendants under

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<sup>1</sup>R. 24.


<sup>2</sup>R. 30.

<sup>3</sup>R. 31.

<sup>4</sup>R. 33.

La. R.S. 42:1169 and against defendant Mayor Wayne McCullen in his individual capacity under 42 U.S.C. § 1981 are **DISMISSED** with prejudice. All other claims asserted by plaintiff in the above-captioned suit are preserved for further proceedings consistent with this ruling.

**THUS DONE AND SIGNED** in chambers at Alexandria, Louisiana this 14<sup>th</sup> day of January, 2011.

  
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**JAMES T. TRIMBLE, JR.**  
**UNITED STATES DISTRICT JUDGE**