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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

REX ALLAN KIMBLE, ET AL.

CIVIL ACTION NO. 11-555

VERSUS

JUDGE TRIMBLE

DARRELL D. COX, ET AL.

MAGISTRATE JUDGE KIRK

J U D G M E N T

Before the court is the report and recommendation of the magistrate judge¹ recommending that the motion to dismiss² filed by the Louisiana Department of Transportation and Development be granted on the basis of Eleventh Amendment immunity and that the motion to remand filed by plaintiffs³ be denied in recognition of this court's continued diversity jurisdiction in this matter, especially in light of the dismissal of the only non-diverse party from the suit. The court has reviewed the entire record in this matter and finds the recommendations of the magistrate judge to be correct under applicable law and jurisprudence and notes the absence of objections by any party in the record. Accordingly, it is hereby

ORDERED, ADJUDGED and DECREED that the report and recommendation of the magistrate judge is **ADOPTED** in full and, accordingly, that all claims by plaintiff against the Louisiana Department of Transportation and Development are **DISMISSED** with prejudice pursuant to the Eleventh Amendment of the Constitution of the United States of America. It is further

¹ R. 29.
² R. 17.
³ R. 21.

ORDERED that plaintiffs' motion to remand is **DENIED** and the case shall remain lodged with this federal district court for all further proceedings.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana this 20th day of October, 2011.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE