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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

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LANDRY BESTER

CIVIL ACTION NO. 11-915

VERSUS

JUDGE TRIMBLE

F.E. MAINTENANCE, ET AL.

MAGISTRATE JUDGE KIRK

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J U D G M E N T

Before the court is the report and recommendation of the magistrate judge, issued on November 8, 2011, in the above-captioned civil rights suit.<sup>1</sup> The magistrate judge's report and recommendation finds that plaintiff failed to amend his complaint as ordered by the court on August 29, 2011 and, for that reason, his suit should be dismissed pursuant to Fed. R. Civ. P. 41(b).<sup>2</sup>

In response to the report and recommendation, plaintiff filed an objection and a pleading which the court construes as a proposed amended complaint.<sup>3</sup> Having reviewed plaintiff's proposed amendment, the court finds that the report and recommendation of the magistrate judge should be adopted in full. Plaintiff's proposed amendment is identical to the proposed amendment submitted in October, which was rejected by the magistrate judge based upon a finding that such amendment failed to comply with the court's explicit instructions regarding the required amendment.<sup>4</sup>

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<sup>1</sup> R. 12.

<sup>2</sup> Id.

<sup>3</sup> R. 13, 14.

<sup>4</sup> See R. 8, 10, 11.

Accordingly, for the reasons contained in the report and recommendation of the magistrate judge previously filed herein, and after a de novo review of the record including the objections filed by plaintiff, and having determined that the findings and recommendation are correct under applicable law, it is hereby

**ORDERED** that plaintiff's second motion to amend his complaint is **DENIED**.<sup>5</sup> It is further

**ORDERED, ADJUDGED and DECREED** that the above-captioned matter is **DISMISSED** without prejudice in accordance with the provisions of Fed. R. Civ. P. 41(b) and Rule 41.3 of the Local Rules of the U.S. District Court for the Western District of Louisiana.

**THUS DONE AND SIGNED** in chambers at Alexandria, Louisiana this 29<sup>th</sup> day of November, 2011.

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

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<sup>5</sup> R. 14.