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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

LANNY RAY WALTERS AND LOIS
ANN WALTERS

* CIVIL ACTION NO. 09-1778

VERSUS

* JUDGE ROBERT G. JAMES

DONALD SMITH, M.D. AND
OVERTON BROOKS VA MEDICAL
CENTER

* MAG. JUDGE KAREN L. HAYES

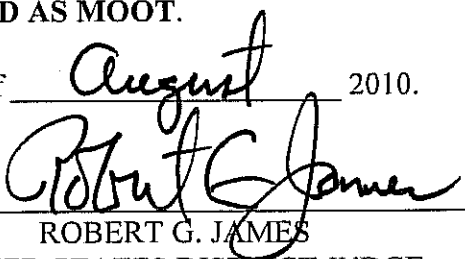
J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS ORDERED that the Motion to Dismiss for Lack of Subject Matter Jurisdiction [Doc. # 14] filed by Defendant Ronald R. Smith is hereby **GRANTED**, and that Plaintiffs' complaint against Defendants Donald Ray Smith, M.D., and the Overton Brooks VA Medical Center is hereby **DISMISSED WITHOUT PREJUDICE** in its entirety. Fed.R.Civ.P. 12(b)(1) & (h)(3).

IT IS FURTHER ORDERED that the Motions to Dismiss for Failure to State a Claim Upon which Relief Can Be Granted and for Summary Judgment [Docs. Nos. 14 & 15] filed by Defendant Ronald R. Smith are otherwise **DENIED AS MOOT**.

MONROE, LOUISIANA, this 2 day of August 2010.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE