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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

LOUISIANA CRAWFISH PRODUCERS
PRODUCERS ASSN. – WEST,
ATCHAFALAYA BASINKEEPER and
LOUISIANA ENVIRONMENTAL
ACTION NETWORK

CIV. ACT. NO. 10-1085 (LEAD)
11-0461 (MEM.)

-vs-

JUDGE DRELL

U.S. ARMY CORPS OF ENGINEERS,
ROBERT L. VAN ANTWERP,
WHISKEY BAY ISLAND, LLC,
MALLARD BASIN, INC.,
ATCHAFALAYA INVESTMENTS, LLC

MAG. JUDGE HANNA

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 review of the record, determining the findings are correct under applicable law and considering the objections to the Report and Recommendation, it is hereby

ORDERED that the Motions to Dismiss (Docs. 224 and 240) are **GRANTED** and, accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Plaintiffs’ first, second and third causes of action under the Endangered Species Act, contained in their Third and Fourth Amended Complaints are **DENIED** and **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 12(b)(1).

In so ruling, we note our specific rejection of Plaintiffs’ objection to the Report and Recommendation based on purported general federal question jurisdiction under the Administrative Procedures Act (“APA”). (Doc. 256). As argued by defendants, the APA does not

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provide an independent cause of action. Thus, it does not present its own “federal question” for this court’s consideration. Rather, it draws its substance from the underlying statutory violation alleged. Stockman v. Fed. Election Commission, 138 F.3d 144, 151 (5th Cir. 1998) citing Califano v. Sanders, 430 U.S. 99 (1977) and Dunn-McCampbell Royalty Interest, Inc. v. National Park Service, 112 F.3d 1283, 1286 (5th Cir. 1997).

The court hereby **ADOPTS** the Report and Recommendation of the Magistrate Judge with the exception of the following correction: the word “insure” as found on pages 8, 13, 17, and 26 should be amended to read “ensure[.]”

THUS DONE AND SIGNED at Alexandria, Louisiana this 8th day of March, 2017.



DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT