

)	
CLEMMONS' ESTATE,)	
c/o SAMUEL L. CLEMMONS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-01536 (RCL)
)	
LABORATORY CORPORATION OF)	
AMERICA HOLDINGS,)	
)	
Defendants.)	
)	

Upon consideration of defendant's motion [7] to dismiss for failure to state a claim upon which relief can be granted, the opposition and reply thereto, and the record herein, the defendant's motion is GRANTED for the reasons set forth in defendant's memoranda. Defendant is not a federal agency, so the Freedom of Information Act does not apply to it. There is no private right of action for any possible violation of 18 U.S.C. § 1001, and because defendant is a private organization, it cannot commit constitutional violations. Moreover, applying Georgia law, plaintiff has not stated a state law claim. Accordingly, this action is hereby DISMISSED WITH PREJUDICE.

Plaintiff's motion [13] to submit 431 pages of discovery—several inches thick—is DENIED since the materials are irrelevant to the motion to dismiss. The Clerk has been instructed to separately return those materials to plaintiff. Defendant's motions to strike [15], or to stay [16]

are also DENIED AS MOOT.

Plaintiff also filed a motion [18] to file an appeal out of time, and lodged a notice of appeal. Until today, there has been nothing to appeal. Plaintiff's motion is therefore DENIED.

To the extent that plaintiff's motion to file an appeal out of time might also be construed as a motion for recusal, plaintiff's motion is DENIED.

This is a final, appealable Order.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, July 13, 2007.