

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-31097
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2015

Lyle W. Cayce
Clerk

ANDRES M. LANDOR, on behalf of Minor Child, J. L.;
LAVERN LANDOR, on behalf of Minor Child, J.L.

Plaintiffs - Appellants

v.

SOCIETY OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF
LAFAYETTE; TEURLINGS CATHOLIC HIGH SCHOOL, INCORPORATED;
MICHAEL BOYER; ROBERT BAUDIER; TIFFANY DUGAS; ELIZABETH
MENARD; STEPHEN BAJAT; LAFAYETTE CITY PARISH
CONSOLIDATED GOVERNMENT; XYZ INSURANCE; A B C INSURANCE;
L M N INSURANCE; JAMES P. CRAFT,

Defendants - Appellees

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:13-CV-2759

Before JOLLY, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:*

Andres and Lavern Landor (“Plaintiffs”) sued various defendants
alleging racial discrimination in violation of various federal statutes (together

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not
be published and is not precedent except under the limited circumstances set forth in 5TH
CIR. R. 47.5.4.

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with pendent state claims) as a result of actions involving their daughter, J. L., who was on the JV cheer squad at Teurlings Catholic High School. As a result of an investigation spawned by the events at Teurlings, difficulties arose involving Andres Landor, an employee of the Lafayette City Parish police department, and claims were made in that regard as well. After an amended complaint and two supplemental complaints were filed, all of the served defendants¹ filed motions to dismiss under Federal Rule of Civil Procedure 12(b)(6).

The district court referred the motions to the magistrate judge who issued a detailed and comprehensive Report and Recommendation, which was adopted with clarifications by the district court. The result of the district court's judgment was to grant the motions to dismiss, dismissing all federal claims with prejudice and declining to then exercise jurisdiction over the pendent state claims, dismissing them without prejudice.

We have carefully reviewed the Report and Recommendation, the district court's Memorandum Ruling with its accompanying order and judgment, and the pertinent portions of the record in light of the parties' briefing. We AFFIRM for substantially the same reasons reflected in the district court's Memorandum Ruling and underlying Report and Recommendation.

¹ Plaintiffs also named "ABC Insurance Company," "LMN Insurance Company," and "XYZ Insurance Company" as the insurers of Teurlings, Lafayette Parish, and the Diocese, respectively, presumably pursuant to the Louisiana Direct Action Statute. *See La. Rev. Stat. § 22:1269(B)*. These companies are apparently fictitious as named, no allegations were made against them, the proper insurance companies were never substituted, and no such company was ever served. Accordingly, their lack of mention in the district court's judgment does not prevent that judgment from being final for purposes of this appeal. *Fed. Savs. & Loan Ins. Corp. v. Tullos-Pierremont*, 894 F.2d 1469, 1473 (5th Cir. 1990)("[W]here a judgment of dismissal is rendered as to all served defendants and only unserved, nonappearing defendants remain, the judgment is final and . . . appealable under section 1291") It appears that the district court's intent, implied from its judgment, was to dispose of all pending claims.

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AFFIRMED.