

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ANDREW WETZEL

CIVIL ACTION

VERSUS

NO. 08-4942

ST. TAMMANY PARISH JAIL, ET AL.

SECTION "N"

ORDER AND REASONS

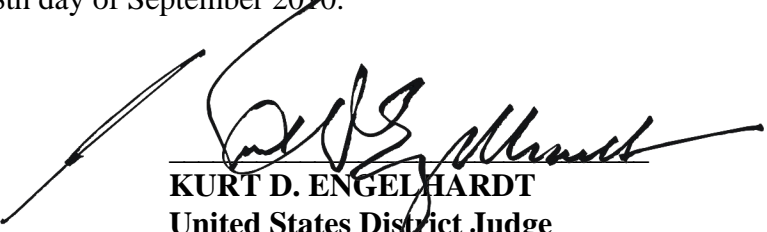
Presently before the Court are two motions filed by Plaintiff. Having considered the motions, **IT IS ORDERED** that Plaintiff's "Motion for Summary Judgment" (Rec. Doc. 41) is **DENIED**. Pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c). A fact is material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S. Ct. 2505, 2510, 91 L. Ed.2d 202 (1986).

Plaintiff's motion for summary judgment simply summarizes Defendants' alleged wrongdoing, identifies the injuries for which he requests an award of compensatory and punitive damages, and states that Defendants have made no settlement offer to him since he filed suit. Such a submission is not sufficient to demonstrate the absence of a triable factual dispute or that Plaintiff is entitled to judgment in his favor as a matter of law. It is not properly supported by an affidavit

or other admissible evidence demonstrating the validity of his claim. Nor are Defendants obligated to offer to settle his claim. Accordingly, because Plaintiff's motion does not satisfy the requirements of Rule 56, it must be denied.

IT IS FURTHER ORDERED that Plaintiff's "Motion for Order of Records" (Rec. Doc. 42) is **DENIED**. It is not clear from Plaintiff's motion that he already has requested these records from the pertinent state or parish officials, or, if made, that his requests have been improperly denied. Further, Plaintiff's motion does not specify the identity or office of the person or persons to whom any order would be directed. Thus, on the showing made, Plaintiff's record requests are not properly granted.

New Orleans, Louisiana, this 28th day of September 2010.



KURT D. ENGELHARDT
United States District Judge