

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

MARY E. BUTLER

CIVIL ACTION

VERSUS

NO: 10-0857

ERIC K. SHINSEKI, SECRETARY,  
DEPARTMENT OF VETERANS AFFAIRS

SECTION: R(5)

ORDER AND REASONS

In this Title VII employment discrimination case, plaintiff Mary Butler moves for judgment in her favor<sup>1</sup> and also moves to close the pleadings.<sup>2</sup> The Court construes plaintiff's *pro se* motions liberally in her favor. *Oliver v. Scott*, 276 F.3d 736, 740 (5th Cir. 2002). Nonetheless, plaintiff's motion for judgment must be denied as premature. Defendant has not yet filed an answer, and the issues in this case have not been joined. The Federal Rules of Civil Procedure do not provide a mechanism for plaintiff to obtain judgment prior to the closing of the pleadings. For example, a party may move for judgment under Rule 12(c) only "[a]fter the pleadings are closed." Additionally, summary judgment for the plaintiff under Rule 56 would be entirely premature. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986) (summary judgment may be appropriate "after adequate time for discovery"). Further, plaintiff has not stated

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<sup>1</sup> R. Doc. 69.

<sup>2</sup> R. Doc. 80.

a basis for judgment in her favor at this time. Plaintiff also moves to close the pleadings, but she provides no justification for closing the pleadings at this time, particularly in light of the fact that she just filed an amended complaint on October 13, 2010.<sup>3</sup> Defendant must have an opportunity to respond to plaintiff's pleadings, as set forth in Rule 12 of the Federal Rules of Civil Procedure.

For the foregoing reasons, plaintiff's motions are DENIED.

New Orleans, Louisiana, this 1st day of November, 2010.

A handwritten signature in cursive script that reads "Sarah S. Vance". The signature is written in black ink and is positioned above a horizontal line.

SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE