

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

AIMEE GAUBERT

CIVIL ACTION

VERSUS

NO: 06-210

VIRGINIA ROWEN, DAVID
TURNER, GREG SMITH, & DAVID
LETTERMEN

SECTION: "J" (3)

ORDER DISMISSING CASE

In the instant matter, the Complaint may be restated here in its entirety: "they have been working against [sic] for eight years keeping me from working in television and have 100 zillion 15 billion 213 million dollars of mine."


Federal Rule of Civil Procedure 8(a) requires that a Complaint contain "(1) a short and plain statement of the grounds upon which the court's jurisdiction depends...; (2) a short and plain statement of the claims showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks." Clearly, the above-quoted complaint meets none of this requirements.

Federal Rule 41(b) authorizes dismissal of an action "[f]or failure of the plaintiff to prosecute or to comply with [the Federal] rules or any order of court." (Emphasis added.) The court, in its inherent authority, may dismiss the action sua sponte, absent a motion by a defendant. McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988).¹

Accordingly, given the defects in the Complaint filed herein, in addition to the fact that the Complaint appears frivolous on its face,

IT IS ORDERED that this matter should be and is hereby **DISMISSED**.

New Orleans, Louisiana, this 30th day of January, 2006.


CARL J. BARBIER
UNITED STATES DISTRICT JUDGE

¹While McCullough involved a sua sponte Rule 41(b) dismissal based upon failure to prosecute, nothing in the opinion suggests that a court's inherent authority to dismiss sua sponte does not apply to all grounds for dismissal enumerated in 41(b), including failure to comply with the Federal Rules of Civil Procedure.