

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CATHERINE BECKETT

CIVIL ACTION

VERSUS

NO. 12-910

RONAL W. SERPAS, et al.

SECTION "N

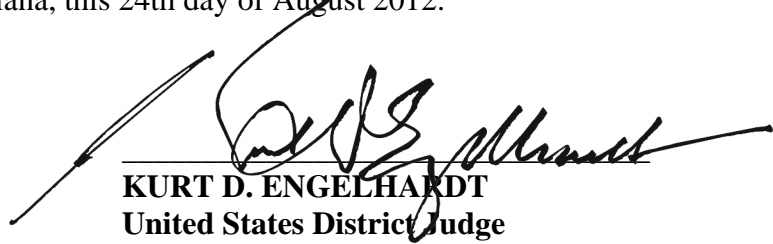
ORDER AND REASONS

Presently before the Court is Defendants' "Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)" (Rec. Doc. 6). On the showing made, and for essentially the reasons stated in Plaintiff's opposition memorandum (Rec. Doc. 11), **IT IS ORDERED** that Defendants' motion is **DENIED**. This ruling is without prejudice, however, to Defendants' right to file a properly supported motion for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, regarding Plaintiff's claims. To prevail against such a motion, Plaintiff would not be able to simply rely on the allegations of her complaint.¹ Rather, she would have to present evidence sufficient to demonstrate the existence of a genuine issue of material

¹ For instance, Plaintiff alleges that the stated reasons for her termination (as set forth in Defendant Serpas' November 17, 2011 letter) "were mere pretext as defendant Serpas was well aware that plaintiff had violated none of [the specified New Orleans Police Department rules] nor any other rules of the NOPD." *See* Complaint, Rec. Doc. 1, ¶23. Plaintiff also avers that "Defendant Serpas maintained the employment of other NOPD officers who had actually violated rules of the NOPD because those officers testified favorably to federal prosecutors." *Id.* at ¶25.

fact relative to a violation of her constitutional rights, and the objective unreasonableness of Defendant Serpas' conduct in light of law that was clearly established at the time.

New Orleans, Louisiana, this 24th day of August 2012.



KURT D. ENGELHARDT
United States District Judge