

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANAKYLE FAULK & MILTON WOLFE,
JR.

CIVIL ACTION

VERSUS

NO: 12-1714 C/W
12-1717

TODD M. DUPLANTIS, ET AL.

SECTION: "A" (3)

ORDER GRANTING UNOPPOSED MOTION

[REF: ALL CASES]

Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed eight days prior to the noticed submission date of the motion. No memorandum in opposition to Defendants' **Motion to Dismiss (Rec. Doc. 15)**, submitted for consideration on January 16, 2013, has been submitted. Accordingly, this motion is deemed to be unopposed, and, further, it appearing to the Court that the motion has merit,¹

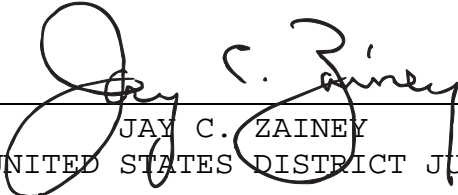
¹ The Court can envision no good faith arguments that Plaintiffs could have raised in opposition to Defendants' motion. The claims against the State of Louisiana Municipal Fire & Police Civil Service Office of State Examiner and against Melinda Livingston in her official capacity are clearly barred by Eleventh Amendment immunity. As for the claims against Ms. Livingston individually, the Court agrees that the complaint fails to allege facts sufficient to state a claim against her. And assuming arguendo that the complaint does state a claim against Ms. Livingston personally, then the Court agrees that she

Accordingly;

IT IS ORDERED that the **Motion to Dismiss (Rec. Doc. 15)** filed by defendant Melinda Livingston and the State of Louisiana Municipal Fire & Police Civil Service Office of State Examiner is **GRANTED**. Plaintiffs' complaint is dismissed as to these defendants.

A motion for reconsideration of this order based on the appropriate Federal Rule of Civil Procedure, if any, must be filed within ten (10) days. The motion must be accompanied by an opposition memorandum to the original motion. Because such a motion would not have been necessary had a timely opposition memorandum been filed, the costs incurred in connection with the motion, including attorney's fees, may be assessed against the party moving for reconsideration.

January 18, 2013



JAY C. ZAINERY
UNITED STATES DISTRICT JUDGE

would be entitled to qualified immunity.