

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LLOYD ANDEL

CIVIL ACTION

VERSUS

NO. 13-0273

CITY OF MANDEVILLE, LOUISIANA ET AL.

SECTION "C" (2)

ORDER AND REASONS

Before the Court is the Motion to Dismiss Plaintiff's Claim for Violation of Fourteenth Amendment filed by defendants Percy S. Richard III and Ronald W. Ruple. Rec. Doc. 22. In February 13, 2013, Plaintiff filed this action under 42 U.S.C. §§1983 and 1988 for violations of his rights under the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and under the laws of the State of Louisiana. His claims arose out of, *inter alia*, the filing of an allegedly false police complaint on February 12, 2013 at the behest of defendant Richard, who is the Mandeville Chief of Police, and defendant Ruple, who is a Captain within the Mandeville Police Department. Rec. Doc. 1.

On July 11, 2013, Defendants Richard and Ruple, moved to dismiss all claims raised against them arguing failure to state a claim upon which relief can be granted, F.R.C.P. 12(b)(6), and entitlement to qualified immunity. Rec. Doc. 8. In resolving this motion, the Court found that the allegations of the complaint were insufficient to surmount the defendants' assertion of qualified immunity. Rec. Doc. 20 at 4, 6. Thus, the Court granted Plaintiff 21 days leave to amend his complaint to attempt to overcome the defense. *Id.* The Court found that Plaintiff's claims of First, Fourth and Fifth amendment violations were wholly unmeritorious and therefore dismissed them. *Id.* at 4-5. Finally, as to Plaintiff's Fourteenth Amendment claim, the Court noted the want of meritorious and specific allegations, but nevertheless extended Plaintiff leave of ten days within which to specify the liberty or property interest of which defendants behavior deprived him. *Id.* at 5-6.

As defendants note in their motion, Plaintiff has far exceeded the deadlines set out in the Court's September 23, 2013 Order. Approximately three months have passed since the issuance of that Order, during which time Plaintiff has neither amended his complaint to address the deficiencies identified by the Court nor offered an explanation for his failure to do so. Indeed, Plaintiff has even failed to oppose the instant motion to dismiss. In light of the foregoing, the Court hereby, and on Defendants' motion, dismisses the entirety of the complaint against Defendants Ruple and Richard.

Accordingly,

IT IS ORDERED that Defendants' Motion to Dismiss Plaintiff's Claim for Violation of Fourteenth Amendment is GRANTED.

New Orleans, Louisiana, this 19th day of December, 2013.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE