

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

GIRAY C. BIYIKLIOGLU

CIVIL ACTION

VERSUS

NO. 14-1684

ST. TAMMANY PARISH JAIL, ET AL.

SECTION I

ORDER

Before the Court is a motion¹ for summary judgment filed by defendants, Jack Strain, Nico Paternostro, and David J. Horchar, requesting dismissal of all claims asserted against them by plaintiff on the basis of qualified immunity and plaintiff's failure to exhaust administrative remedies. The Court took the motion under submission on November 18, 2015, the noticed submission date. Pursuant to Local Rule 7.5, plaintiff's opposition was due on November 10, 2015; however, although plaintiff is incarcerated, he has not filed an opposition or requested an extension of time to respond.² Accordingly, the Court considers the motion to be unopposed. Considering the facts, the law, and the memorandum and exhibits submitted by defendants, the motion should be granted and plaintiff's claims against the movants should be dismissed.

Upon dismissal of defendants, Jack Strain, Nico Paternostro, and David J. Horchar, there will be no remaining named defendants in the above-captioned matter. The U.S. Magistrate Judge granted plaintiff leave to file an amended complaint as to certain unidentified U.S. Marshals,³ and ordered the U.S. Attorney's Office to "determine the identities of the Marshal's Service officers who inspected the St. Tammany Parish Jail during the period of the applicable agreement and to provide

¹R. Doc. No. 89.

²The certificate of service reflects that defendants served plaintiff with the motion for summary judgment on November 2, 2015, by first class mail sent to his current place of incarceration.

³R. Doc. No. 71.

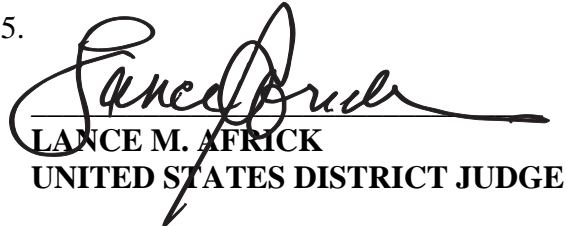
that information to plaintiff.”⁴ The Court is informed that such discovery was provided to plaintiff by letter on or about November 6, 2015. However, plaintiff has taken no subsequent action to assert a claim against the individual identified in that discovery. Accordingly, the Court concludes that dismissal of plaintiff’s remaining claim against the unidentified U.S. Marshal or Marshals is appropriate based on plaintiff’s failure to prosecute, which leaves plaintiff with no claims against any defendant.

In light of the foregoing and the present posture of this case,

IT IS ORDERED that the motion for summary judgment is **GRANTED** and that plaintiff’s claims against defendants, Jack Strain, Nico Paternostro, and David J. Horchar, are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the above-captioned matter is **DISMISSED**.

New Orleans, Louisiana, December 3, 2015.


LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE

⁴R. Doc. No. 83, at 2.