

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

**NEWTON MCNEALY,  
Plaintiff**

**CIVIL ACTION**

**VERSUS**

**NO. 14-2181**

**DARRYL BECNEL, ET AL.,  
Defendants**

**SECTION: "E" (2)**

**ORDER AND REASONS**

Before the Court is a motion to dismiss filed by Defendants Darryl J. Becnel and the Becnel Law Firm (collectively, the "Becnel Defendants").<sup>1</sup> The Becnel Defendants contend they should be dismissed from this case because the Court lacks subject-matter jurisdiction over the claims asserted against them.<sup>2</sup> Specifically, the Becnel Defendants argue the Plaintiff has made "no viable federal allegations" against them, such that federal-question jurisdiction is not present. Moreover, the Becnel Defendants note that federal diversity-of-citizenship jurisdiction is not present, as they are not diverse from the Plaintiff. As a result, the Becnel Defendants argue that the Court lacks subject-matter jurisdiction over Plaintiff's claims against them.

Plaintiff contends the Court has jurisdiction over his claims against the Becnel Defendants under 28 U.S.C. § 1367. Title 28, United States Code, Section 1367 provides that "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution."<sup>3</sup> In this case, the

---

<sup>1</sup> R. Doc. 167. Plaintiff Newton McNealy opposes the motion. *See* R. Doc. 172.

<sup>2</sup> R. Doc. 167-1 at 1–2.

<sup>3</sup> 28 U.S.C. § 1367.

claims asserted against the Becnel Defendants are rooted in Louisiana state-law concepts of negligence and legal malpractice.<sup>4</sup> These claims are unlike Plaintiff's federal claims, in which Plaintiff alleges various federal civil rights violations.<sup>5</sup> The Court does not see a sufficient connection between the negligence and legal malpractice claims asserted against the Becnel Defendants and the alleged federal civil rights violations which provide the basis for this Court's original subject-matter jurisdiction. As a result, the Court finds that it does not have supplemental jurisdiction over Plaintiff's claims against the Becnel Defendants, as they are not so related to the Plaintiff's federal claims which are within the Court's original jurisdiction such that they form part of the same case or controversy under Article III of the United States Constitution. Accordingly, Plaintiff's claims against the Becnel Defendants are hereby **DISMISSED WITH PREJUDICE**, and the Becnel Defendants are dismissed as defendants in this action.

**New Orleans, Louisiana, this 22nd day of March, 2016.**

-----  
  
-----  
**SUSIE MORGAN**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>4</sup> R. Doc. 114 at 4, 24–25.

<sup>5</sup> See generally R. Doc. 114.