

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

**ROBERT CHARLES CHENEAU ET AL.**

**CIVIL ACTION**

**VERSUS**

**No. 15-164**

**UNITED STATES ARMY CORPS OF  
ENGINEERS ET AL.**

**SECTION I**

**ORDER AND REASONS**

Before the Court is a motion<sup>1</sup> filed by the government to dismiss the above-captioned matter pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, which plaintiffs oppose.<sup>2</sup> Plaintiffs also filed a motion for leave to file an amended complaint<sup>3</sup> along with the proposed amended complaint.<sup>4</sup> The government then filed a motion to dismiss plaintiffs' proposed amended complaint.<sup>5</sup>

The pleadings, motions, allegations, and issues in the above-captioned matter are substantially identical to those presented in *Haynes v. U.S. Army Corp of Engineers*, Civil Action No. 15-167 (filed January 23, 2015). Accordingly, for the reasons stated in this Court's August 4, 2015 opinion in *Haynes*,

**IT IS ORDERED** that the government's motion to dismiss the original complaint is **GRANTED** for lack of subject matter jurisdiction.

**IT IS FURTHER ORDERED** that plaintiffs' motion for leave to file an amended complaint is **DENIED**.

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<sup>1</sup> R. Doc. No. 10.

<sup>2</sup> R. Doc. No. 11.


<sup>3</sup> R. Doc. No. 12.

<sup>4</sup> R. Doc. No. 12-2.

<sup>5</sup> R. Doc. No. 14.

**IT IS FURTHER ORDERED** that the government's motion to dismiss plaintiffs' proposed amended complaint is **DISMISSED AS MOOT**.

New Orleans, Louisiana, August 4, 2015.



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**LANCE M. AFRICK**  
**UNITED STATES DISTRICT JUDGE**