

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DWAYNE G. ALEXANDER

CIVIL ACTION

VERSUS

NO. 15-1155

JERRY ARMATIS, MYERS LAW GROUP, LLP
ANGELLA MYERS, and MARK CARVER

SECTION "N" (4)

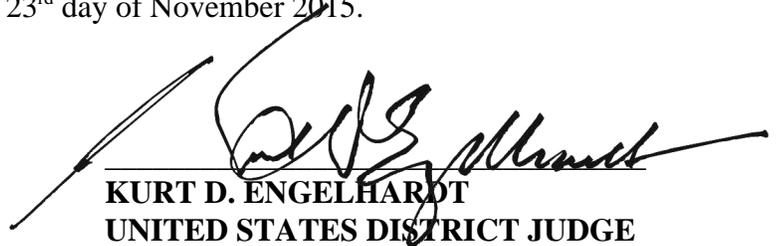
ORDER AND REASONS

Presently before the Court are two motions to dismiss or, alternatively, motions for summary judgment (Rec. Docs. 14 and 15) filed by Defendants. Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a contested motion be filed eight days prior to the date the motion is to be taken under submission. No memoranda in opposition to Defendants' motions, which were set for submission on June 24, 2015, have been filed to date. Accordingly, given that the motions have not been opposed, **IT IS ORDERED** that the motions (Rec. Docs. 14 and 15) are hereby **GRANTED** such that Plaintiff's claims against Defendants Carl Ayestas, Myers Law Group, Angella Myers, and Mark Carver are **DISMISSED WITH PREJUDICE**.¹

¹ Because the filing deficiencies identified relative to Plaintiff's previously filed motion to remand (Rec. Doc. 12) were never remedied, that motion terminated as of May 18, 2015, and thus is not pending before the Court. In any event, however, Plaintiff's Amended Petition (see Rec. Doc. 1-8, p. 28 of 42) purports to add claims seeking relief under two federal statutes – 42 U.S.C. §§ 1983 and 1985. Because those claims arise under the laws of the United States, for purposes of 28 U.S.C. § 1331, the Court is granted removal subject matter jurisdiction over this matter. See 28 U.S.C. § 1441.

Any motion for reconsideration of the Court's rulings set forth herein must be filed within fourteen (14) days of the date that this Order is entered by the Clerk of Court and must be accompanied by opposition memoranda to Defendants' original motions to dismiss. Additionally, because a motion for reconsideration would not have been necessary had timely opposition memoranda been filed, all costs incurred in connection with the Defendants' motions, including attorneys' fees, will be assessed against the party moving for reconsideration. See Fed. R. Civ. P. 16, 83. A statement of costs conforming to Local Rule 54.3 shall be submitted by all parties desiring to be awarded costs and attorneys' fees no later than eight days prior to the submission date of any motion for reconsideration that is filed.

New Orleans, Louisiana, this 23rd day of November 2015.



KURT D. ENGELHART
UNITED STATES DISTRICT JUDGE

Clerk to Copy:

- (1) Counsel of record
- (2) Dwayne Alexander
226 First Street
Gretna, Louisiana 70053