

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ELEANOR COLLINS

CIVIL ACTION

VERSUS

NO. 16-14984

A.I.S., INC. OF MASSACHUSETTS

SECTION "N" (1)

ORDER AND REASONS

Presently before the Court are motions to dismiss filed by various defendants herein. Having carefully considered the parties' submissions, applicable law, and the record in this matter, **IT IS ORDERED** that:


(1) The motion to dismiss (Rec. Doc. 5) filed by Defendant Robertson Oil Company, Inc. ("Robertson"), is **GRANTED** for essentially the reasons stated by that defendant in its supporting memorandum (Rec. Doc. 5-1). Plaintiff fails to allege facts from which a reasonable inference could be drawn that Robertson is a state actor for purposes of 42 U.S.C. §1983. Accordingly, Plaintiff's claims against it are dismissed with prejudice.

(2) The motion to dismiss filed by Defendant State of Louisiana (Rec. Doc. 7) is **GRANTED** for essentially the reasons stated by that defendant in its supporting memorandum (Rec. Doc. 7-1). Specifically, Plaintiff fails to allege facts or law that would warrant a conclusion that the State of Louisiana has consented to this suit or waived its sovereign immunity relative to §1983 claims.

(3) The motion to dismiss filed by Defendant Washington Parish Sheriff's Office (Rec. Doc. 10) is **GRANTED** for essentially the reasons stated by that defendant in its supporting memorandum

(Rec. Doc. 10-1). Although a sheriff may be subject to suit pursuant to § 1983, the Washington Parish Sheriff's Office lacks the legal capacity necessary to be sued.

New Orleans, Louisiana, this 7th day of June 2017.



KURT D. ENGELHARDT
United States District Judge