

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ELEANOR COLLINS

CIVIL ACTION

VERSUS

NO. 16-14984

STATE OF LOUISIANA;
WASHINGTON PARISH;
WASHINGTON PARISH DISTRICT ATTORNEY OFFICE;
WASHINGTON PARISH SHERIFF OFFICE; AND
ROBERTSON OIL COMPANY

SECTION "N" (1)

ORDER AND REASONS

Presently before the Court are a motion to dismiss (Rec. Doc. 20) filed by Defendant Washington Parish District Attorney's Office and Defendant Washington Parish and the motions for default filed by Plaintiff (Rec. Docs. 21 and 22). The Court rules on these motions as stated herein.

Having carefully considered the parties' submissions, applicable law, and the record in this matter, **IT IS ORDERED** that the motion to dismiss filed by Defendant Washington Parish District Attorney's Office and Defendant Washington Parish (Rec. Doc. 20) is **GRANTED** for essentially the reasons stated by those defendants in their supporting memorandum (Rec. Doc. 29-1). Although a Louisiana district attorney may be sued in his or her official capacity pursuant to 42 U.S.C. § 1983, the District Attorney's Office itself lacks the legal capacity necessary to be sued. In addition to not being specifically named as a defendant to this suit, in his official capacity, Warren Montgomery, District Attorney for the 22nd Judicial District of the State of Louisiana, has not received service of process effected in a manner authorized by law. Delivery of summons by means of United States mail is not sufficient.

With respect to Defendant Washington Parish, proper service upon the chief executive officer of the parish, Parish President Richard "Ned" Thomas, Jr., likewise has not been effected in accordance with applicable law. The summons request does not reference the parish president generally or by name. Further, as previously stated with respect to District Attorney Warren Montgomery, and as further set forth in Defendants' memorandum in support of the motion to dismiss, delivery of summons by means of United States mail is not sufficient.

Given the foregoing determinations regarding the absence of proper service of process, **IT IS FURTHER ORDERED** that Plaintiff's motions for default (Rec. Docs. 21 and 22) are **DENIED**.

New Orleans, Louisiana, this 27th day of June 2017.



KURT D. ENGELHART
United States District Judge