

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TERRY ALLEN PARKS

CIVIL ACTION

v.

NO. 16-15466

TERREBONNE PARISH
CONSOLIDATED GOVERNMENT, ET AL.

SECTION "F"

ORDER AND REASONS

Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed eight days prior to the noticed submission date. No memoranda in opposition to Alere Toxicology Services, Inc.'s motion for judgment on the pleadings, noticed for submission on March 22, 2017, has been submitted.

Accordingly, because the motion is unopposed, and further, it appearing to the Court that the motion has merit,¹ IT IS ORDERED:

¹ Because the plaintiff advances nearly identical allegations against Alere as he advanced against another private entity defendant, Multi-Management Services, Inc. (MMSI), Alere advances the same grounds for dismissal as advanced by MMSI. By prior motion, MMSI moved to dismiss for failure to state a claim the plaintiff's claims against it on the grounds that the plaintiff failed to allege either Fourth or Fourteenth Amendment constitutional violations, and that the plaintiff failed to allege

that Alere's motion for judgment on the pleadings is hereby GRANTED as unopposed. The plaintiff's claims against Alere are hereby dismissed.

New Orleans, Louisiana, March 17th, 2017


MARTIN L.C. FELDMAN
U.S. DISTRICT JUDGE

that MMSI was a state actor or that its private action was fairly attributable to the state. On February 22, 2017, the Court granted MMSI's motion to dismiss the plaintiff's claims against it. The same legal standard applicable to Rule 12(b)(6) motions applies to Rule 12(c) motions. Doe v. MySpace, Inc., 285 F.3d 413, 418 (5th Cir. 2008). For the same reasons articulated in the February 22, 2017 Order and Reasons granting MMSI's motion to dismiss, Alere has shown that the plaintiff's claims against it fail as a matter of law.