

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

GEORGE FOURNETTE

CIVIL ACTION

VERSUS

NO. 17-1250

LOUISIANA STATE, ET AL.

SECTION "N" (4)

ORDER & REASONS

The Court has received the Motion for Reconsideration (Rec. Doc. 17) filed by *pro se* plaintiff, George Fournette, as well as the opposition filed by the City of New Orleans (Rec. Doc. 18). Having considered the parties' submissions, the record, and the applicable law, **IT IS ORDERED** that the Motion is **DENIED**.

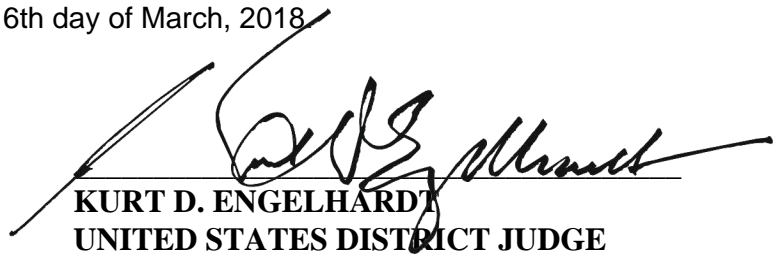
Mr. Fournette seeks reconsideration of the Court's January 12, 2018 Order dismissing the claims against defendant Louisiana State.¹ Mr. Fournette contends that he was unable to respond because he has not received "any of the Court's mail" because "he has been residing with his fiancée for over a year" and the mailing address, 2321 Gov. Nicholls St., New Orleans, La., 70119, is his mother's residence, "which caught fire in October or November 2017." (Rec. Doc. 17 at p. 2). In opposition, the City of New Orleans moves for denial of Plaintiff's second Motion for Reconsideration, contending that Plaintiff has failed to assert any legal grounds to justify reconsidering this case or previous dismissals. (Rec. Doc. 18).

The Court finds that the Motion for Reconsideration is without merit. Mr. Fournette was required to keep the Court apprised of his current mailing address. According to **Local Rule 11.1**

¹ Plaintiff's claims against the City of New Orleans were dismissed with prejudice on June 28, 2017 (Rec. Doc. 8) and Plaintiff's motion for reconsideration was denied on August 8, 2017 (Rec. Doc. 15).

of this Court, "Each attorney and pro se litigant has a continuing obligation promptly to notify the court of any address or telephone number change." The address used by the Court was provided by the Plaintiff in his Complaint, and was again referenced in Plaintiff's July 10, 2017 opposition and July 17, 2017 motion for reconsideration. (*See* Rec. Docs. 1, 13, and 14). Despite his contention that he has been living with his fiancée for over a year, there is nothing in the record to suggest that Mr. Fournette fulfilled his obligation to update his address with the Court. Moreover, the Court's Order notifying Mr. Fournette that Louisiana State had failed to timely file responsive pleadings and providing a deadline for him to obtain a preliminary default on the served defendant was issued on June 29, 2017—several months *before* the alleged fire. (Rec. Doc. 10). Notably, that Order warned Mr. Fournette that "failure to do so shall result in the DISMISSAL of any such defendants, for failure to prosecute, without any further notice." Accordingly, for the reasons stated herein, the Motion for Reconsideration (Rec. Doc. 17) is **DENIED**.

New Orleans, Louisiana this 16th day of March, 2018



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE