

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEBORAH A. SHEPHERD

CIVIL ACTION

v.

NO. 17-2694

PATRICK FANNING, ET AL.

SECTION "F"

ORDER AND REASONS

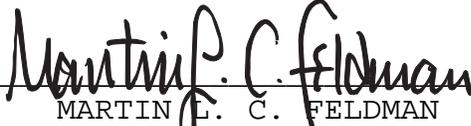
Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed eight days prior to the noticed submission date. The City of New Orleans has filed a motion to dismiss, which is noticed for submission on May 31, 2017. The plaintiff has responded to the City's motion to dismiss by stating that she does not oppose the motion to dismiss, but, rather, that she "agrees that the City of New Orleans should be dismissed as a defendant in this action."

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

¹ Imposition of Section 1983 liability against a municipality under Monell is appropriate in the limited circumstance of when a constitutional tort is caused through the execution of a policy or custom of the municipality. See Bowen v. Watkins, 669 F.2d 979, 989 (5th Cir. 1982)(citation omitted). "[A] local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents. Instead, it is when execution of a

that the City's motion to dismiss is hereby GRANTED as unopposed. The plaintiff's claims against the City are hereby dismissed with prejudice.

New Orleans, Louisiana, May 26, 2017


MARTIN L. C. FELDMAN
UNITED STATES DISTRICT JUDGE

government's policy or custom ... inflicts the injury that the government as an entity is responsible under § 1983." Monell v. Dep't of Soc. Servs., 436 U.S. 658, 694 (1978). Here, the plaintiff does not allege that a City policy or custom caused her injury.