

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

C&G WELDING, INC.

CIVIL ACTION

VERSUS

NO. 17-3786

CHRISTOPHER GARNER

SECTION "B" (5)

ORDER AND REASONS

Before the Court is Defendant Christopher Garner's "Motion to Dismiss." Rec. Doc. 9. The motion was set for submission on August 23, 2017. Pursuant to Local Rule 7.5, Plaintiff's memorandum in opposition was due on or before August 15, 2017. No memorandum in opposition has been filed. Further, no party filed a motion to continue the noticed submission date or a motion for extension of time within which to oppose the motion. Thus, the motion is deemed to be unopposed. It further appearing to the Court that the motion has merit,

IT IS ORDERED that the motion (Rec. Doc. 9) is **GRANTED**. All of Plaintiff's claims against Defendant Christopher Garner are hereby **DISMISSED WITHOUT PREJUDICE** pursuant to the "case or controversy" requirement in Article III, Section 2 of the United States Constitution and 28 U.S.C. § 2201(a).

A motion for reconsideration, based on the appropriate Federal Rule of Civil Procedure, if any, must be filed within thirty (30) days of this Order. The motion must be accompanied by an opposition memorandum to the original motion. Because such a

motion would not have been necessary had a timely opposition memorandum been filed, the costs incurred in connection with the motion, including attorneys' fees, may be assessed against the party moving for reconsideration. See FED. R. CIV. P. 16, 83. A statement of costs and fees conforming to Local Rules 54.2 and 54.3 shall be submitted by all parties desiring to be awarded costs and attorneys' fees no later than eight (8) days prior to the noticed submission date of the motion for reconsideration.

New Orleans, Louisiana, this 23rd day of August, 2017.


SENIOR UNITED STATES DISTRICT JUDGE