

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

GINA FITZGERALD, ET AL.

CIVIL ACTION

VERSUS

NO. 17-8893

UNITED STATES OF AMERICA, ET AL.

SECTION "N" (4)

ORDER AND REASONS

Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed and that a copy be provided to the hearing judge eight days prior to the date set for the motion to be submitted. No memorandum in opposition to the following motion filed by the defendants, the United States of America and the United States Postal Service, set for submission on Wednesday, October 11, 2017, has been filed to date:

“Motion to Dismiss for Lack of Subject-Matter Jurisdiction” (Rec. Doc. 5).

Accordingly, given that the plaintiffs, Gina Fitzgerald and Jeremy Fitzgerald, have failed to oppose the instant motion, and otherwise finding the motion to have merit, **IT IS ORDERED** that the motion is hereby **GRANTED**, and Gina Fitzgerald and Jeremy Fitzgerald’s claims against the United States of America and the United States Postal Service are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

A motion for reconsideration of this Order, if any, must be filed within fourteen (14) days of the date this Order is entered by the Clerk of Court. The motion must be accompanied by opposition memorandum to the original motion. Because a motion for reconsideration would not have been necessary had a timely opposition memorandum been filed, the costs incurred in

connection with the motion, including attorneys' fees, will be assessed against the party moving for reconsideration. *See* Fed. R. Civ. P. 16, 83. A statement of costs conforming to Local Rule 54.3 shall be submitted by all parties desiring to be awarded costs and attorneys' fees no later than eight days prior to the hearing of the motion for reconsideration.

New Orleans, Louisiana, this 29th day of November 2017.



KURT D. ENGELHART
UNITED STATES DISTRICT JUDGE