

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

HARVEY LEE CLARK

CIVIL ACTION

VERSUS

NO. 18-2364

CITY OF THIBODEAUX,
THIBODAUX POLICE DEPARTMENT,
TOMMY ESCHETTE,
TIMOTHY WAYNE LIPSCOMBE,
AND ROUSES ENTERPRISES

SECTION: M (2)

ORDER AND REASONS


On July 16, 2018, defendant Rouses Enterprises (“Rouses”) filed a motion to dismiss for failure to state a claim, or alternatively, a motion for a more definite statement, which was set for submission on August 15, 2018. R. Docs. 10 & 10-2. On July 31, 2018, defendants, the City of Thibodaux, the City of Thibodaux Police Department, and Mayor Tommy Eschete, individually and in his official capacity as Mayor of the City of Thibodaux, filed a motion to dismiss for failure to state a claim, which was set for submission on August 29, 2018. R. Docs. 16 & 16-3.

Local Rule 7.5 of the United States District Court for the Eastern District of Louisiana requires that a memorandum in opposition to a motion must be filed no later than eight days before the noticed submission date. The Court notes that plaintiff Harvey Lee Clark is proceeding *pro se*. Although the Court construes *pro se* filing liberally, *pro se* parties are still required to “abide by the rules that govern the federal courts.” *E.E.O.C. v. Simbaki, Ltd.*, 767 F.3d 475, 484 (5th Cir. 2014). Clark has not filed any memoranda in opposition to the aforementioned motions to dismiss.

Accordingly, because the motions to dismiss are unopposed, and it appearing to the Court that the motions have merit,

IT IS ORDERED that the defendants' motions to dismiss (R. Docs. 10 & 16) are GRANTED as unopposed, and Clark's claims against Rouses, the City of Thibodeaux, the City of Thibodaux Police Department, and Mayor Tommy Eschete, individually and in his official capacity as Mayor of the City of Thibodaux, are dismissed without prejudice.

New Orleans, Louisiana, this 1st day of October 2018.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE