

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

VANCE SCOTT, SR.

CIVIL ACTION

VERSUS

NO. 20-43

STATE OF LOUISIANA, ET AL.

SECTION "A" (3)

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 of the motion. Here, the Plaintiff Vance Scott failed to file any memoranda in opposition to the **Motion to Dismiss (Rec. Doc. 37)** filed by the Defendants the Parish of St. Charles, Wendy Benedetto, and Paul J. Hogan. This Motion was scheduled for consideration on May 27, 2020.

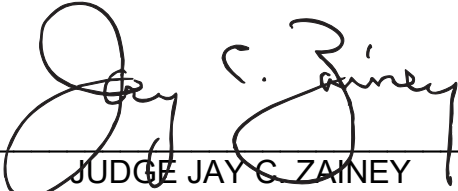
In addition to being unopposed, the Court concludes that this motion has merit. In his Complaint, Scott brings a 42 U.S.C. § 1983 claim against St. Charles Parish and against Councilwoman Benedetto and former Councilman Hogan. However, Scott's Complaint is devoid of any factual allegations that would support a § 1983 claim against any of these Defendants. For instance, Scott failed to allege that there was a custom or policy implemented by the Parish or by any council members that violated his constitutional rights as required by *Monell v. Department of Social Services*, 436 U.S. 658 (1978). Moreover, Scott's claims against the two council members in their individual capacities are barred by the doctrine of qualified immunity.

Accordingly;

IT IS ORDERED that the **Motion to Dismiss (Rec. Doc. 37)** filed by the Defendants the Parish of St. Charles, Wendy Benedetto, and Paul J. Hogan is

GRANTED. Scott's claims against the Defendants the Parish of St. Charles, Wendy Benedetto, and Paul J. Hogan are **DISMISSED.**

June 1, 2020



JUDGE JAY C. ZANEY
UNITED STATES DISTRICT JUDGE