

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LEO LEWIS

CIVIL ACTION

VERSUS

NO. 20-2032

THE PARISH OF JEFFERSON,
THE JEFFERSON PARISH
SHERIFF'S OFFICE,
JOSEPH P. LOPINTO, III,
WAYNE RUMORE, JULIO
ALVARADO, DONALD
CLOGHER, KURT ZEAGLER,
BRAEDON COHEN, and
NICHOLAS BROUSSARD

SECTION M (2)

ORDER & REASONS

Before the Court is a motion by defendant the Parish of Jefferson (the "Parish") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss plaintiff's claims against it for failure to state a claim upon which relief can be granted.¹ The motion was set for submission on September 24, 2020. 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 be filed no later than eight days before the noticed submission date, which in this case was September 16, 2020. Plaintiff Leo Lewis, who is represented by counsel, has not filed a memorandum in opposition to the motion.

Accordingly, because the motion to dismiss is unopposed, and it appearing to the Court that the motion has merit,²

¹ R. Doc. 9.

² Lewis filed this action alleging constitutional and Louisiana-state law claims arising out of his son's death during an interaction with deputies of the Jefferson Parish Sheriff's Office ("JPSO"). R. Doc. 1. The Parish argues that it and the JPSO are separate legal entities and the Parish is not responsible for the actions of the JPSO or its deputies. R. Doc. 1-2. The Parish is correct on this point. *Foster v. Hampton*, 352 So. 2d 197, 203 (La. 1977) (holding that under Louisiana law a parish is a separate legal entity that is not vicariously liable for the acts of the sheriff or his deputies); *see also Salvagio v. Doe*, 2013 WL 6623921, at *2 (E.D. La. Dec. 16, 2013); *Nall v. Parish of Iberville*, 542 So. 2d 145, 149 (La. App. 1989). Because Lewis has not alleged any claims against the Parish that are not based on the deputies' actions, its motion must be granted.

IT IS ORDERED that the Parish's motion to dismiss (R. Doc. 9) is GRANTED, and Lewis's claims against it are DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 24th day of September, 2020.



BARRY W. ASHE
UNITED STATES DISTRICT JUDGE