

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KEVYN LEWIS

CIVIL ACTION

VERSUS

NO. 23-4894

NATIONAL GENERAL
INSURANCE COMPANY

SECTION M (1)

ORDER & REASONS

Before the Court is a motion for summary judgment filed by defendant National General Insurance Company (“NGIC”), arguing that it is entitled to a dismissal with prejudice of plaintiff’s claims because NGIC did not issue or underwrite a policy of insurance for plaintiff’s property.¹ Also before the Court is a motion by plaintiff Kevyn Lewis to dismiss without prejudice.² Both motions are set for submission on March 7, 2024.³ 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 be filed no later than eight days before the noticed submission date, making the deadline in this instance February 28, 2024. Neither party has filed an opposition to the other’s motion. Here, dismissal *with* prejudice is appropriate because NGIC filed a motion for summary judgment and Lewis fails to controvert NGIC’s proof that he did not have an insurance policy with NGIC. *See* Fed. R. Civ. P. 41.

Accordingly,

IT IS ORDERED that Lewis’s motion to dismiss without prejudice (R. Doc. 12) is DENIED.


¹ R. Doc. 11.

² R. Doc. 12.

³ R. Docs. 11-4; 14.

IT IS FURTHER ORDERED that NGIC's motion for summary judgment is GRANTED,
and Lewis's claims are DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 29th day of February, 2024.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE