

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA and
STATE OF LOUISIANA

CIVIL ACTION

VERSUS

NO. 01-978-BAJ-CN

CITY OF BATON ROUGE and
PARISH OF EAST BATON ROUGE

RULING AND ORDER

Before the Court is a motion for reconsideration of an order of the Magistrate Judge, which granted a motion for intervention (doc. 29). Also before the Court is an appeal of the Magistrate Judge's decision to grant the motion for intervention (doc. 31).

In support of the motion for reconsideration, the United States argues that the ruling was premature and that the government intended to file a timely opposition to the motion (doc. 29). Local Rule 7.4 provides, in pertinent part, that "[e]ach respondent opposing a motion shall file a response, including opposing affidavits, memorandum, and such supporting documents as are then available, within 21 days after service of the motion." A review of the record demonstrates that the second motion for intervention was filed on March 13, 2012 (doc. 24) and that the motion was granted on April 2, 2012 (doc. 27). Thus, the motion was granted before expiration of the deadline for the filing of an opposition.

Accordingly, the motion for reconsideration (doc. 29) is **GRANTED**, and **IT IS ORDERED** that the Magistrate Judge's Order of April 2, 2012 (doc. 27) be vacated.

IT IS FURTHER ORDERED that the Intervenor Complaint (doc. 28) be stricken from the record.

IT IS FURTHER ORDERED that the government's proposed opposition to the motion to intervene be filed into the record and that this matter be referred back to the Magistrate Judge for consideration of the second motion to intervene in light of the opposition (doc. 24).

IT IS FURTHER ORDERED that the pending appeal to the district court be terminated as moot.

Baton Rouge, Louisiana, April 16, 2012.

A handwritten signature in cursive script, reading "Brian A. Jackson", written over a horizontal line.

BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA