

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

LOUIS BRADY, JR. (#304523)

CIVIL ACTION

VERSUS

SID J. GAUTREAUX, ET AL.

NO. 09-0947-RET-CN

O R D E R

This matter comes before the Court on the Motion of defendants Sid J. Gautreaux, III, and Dennis Grimes to Designate Ruling as Final and Appealable, rec.doc.no. 44.

The pro se plaintiff, an inmate previously confined at the East Baton Rouge Parish Prison ("EBRPP"), Baton Rouge, Louisiana, brought this action pursuant to 42 U.S.C. § 1983 against Sheriff Sidney Gautreaux, Warden Dennis Grimes, and other defendants, complaining that his constitutional rights were violated at EBRPP in 2009, when prison officials exhibited deliberate indifference to his serious medical needs. Pursuant to Order dated February 17, 2011, rec.doc.no. 42, the plaintiff's claims asserted against defendants Gautreaux and Grimes have been dismissed, leaving before the Court only the plaintiff's claims asserted against Dr. Charles Bridges.

The moving defendants now seek certification of the Order dismissing the plaintiff's claims against them. In this regard, Rule 54(b) of the Federal Rules of Civil Procedure provides, in pertinent part:

When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.

The Court concludes, based upon a review of the record, that the defendants' motion should be denied. The Fifth Circuit has noted that "[o]ne of the primary policies behind requiring a justification for Rule

54(b) certification is to avoid piecemeal appeals." PYCA Industries, Inc. v. Harrison County Waste Water Management District, 81 F.3d 1412 (5<sup>th</sup> Cir. 1996). The Fifth Circuit Court explained that Rule 54(b) judgments are not favored and should be awarded only when necessary to avoid injustice: "A district court should grant [Rule 54(b)] certification only when there exists some danger of hardship or injustice through delay which would be alleviated by immediate appeal; it should not be entered routinely as a courtesy to counsel." Id. (citing Ansam Associates, Inc. v. Cola Petroleum, Ltd., 760 F.2d 442 (2<sup>nd</sup> Cir. 1985)).

The defendants in this case articulate no particular hardship or injustice which may result if the Court does not certify the referenced Ruling for immediate appeal. Moreover, the inefficiency resulting from piecemeal appeals will certainly be present in this case because the issues which will likely be presented in connection with any appeal relative to the moving defendants will also likely be presented in connection with any appeal relative to the remaining defendant. This is so because all of the defendants worked (or exercised supervisory authority) at the East Baton Rouge Parish Prison during the time in question and all are alleged to have been deliberately indifferent to the plaintiff's serious medical needs in violation of the Eighth Amendment. Accordingly, a Rule 54(b) certification of the referenced Ruling will unquestionably present the possibility, if not the likelihood, of piecemeal appeals, and is therefore not warranted in this case. Therefore,

**IT IS ORDERED** that the defendants' Motion to Designate Ruling as Final and Appealable, rec.doc.no. 44, be and it is hereby **DENIED**.

Baton Rouge, Louisiana, this 25<sup>th</sup> day of May, 2011.

  
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RALPH E. TYSON, CHIEF JUDGE  
UNITED STATE DISTRICT COURT