

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHARLES STEWART (#111347)

VERSUS

CIVIL ACTION

BURL CAIN, ET AL

NUMBER 11-403-JJB-SCR

RULING ON MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT
and
RULING ON MOTION FOR LEAVE TO FILE UNREDACTED EXHIBITS

Before the court is the Motion for Leave to File Motion for Summary Judgment filed by the only remaining defendant, Msgt. Raymond Laurent. Record document number 52. Also before the court is the defendant's Motion for Leave to File Unredacted Exhibits Under Seal. Record document number 54.

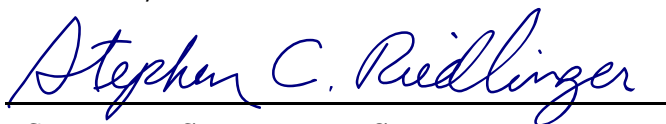
Defendant's Motion for Leave to File Motion for Summary Judgment is denied for the following reasons. First, the defendant has not shown that the information he seeks to use to support his proposed summary judgment motion is newly discovered. Rather, it is information which has always been available to the defendant - he simply failed to offer it in support of the previous motion for summary judgment. Second, the new arguments and explanations of previously offered summary judgment evidence could have, and should have, been made when the earlier summary judgment motion was still pending. Third, and more importantly, for the defendant to obtain summary judgment the court would still have to make credibility assessments and weigh the evidence in the defendant's favor, rather

than view all of the summary judgment evidence in the light most favorable to the plaintiff. As was explained to the defendant in the previous Magistrate Judge's Report, "when ruling on a motion for summary judgment, the court cannot rely on assessments of the credibility of the witnesses."¹

Defendant also moved for leave to file under seal un-redacted exhibits in support of his proposed summary judgment motion. Since the defendant's Motion for Leave to File Motion for Summary Judgment is denied, there is no need to file un-redacted versions of the exhibits in the record.²

Accordingly, the defendant's Motion for Leave to File Motion for Summary Judgment is denied, and the defendant's Motion for Leave to File Unredacted Exhibits Under Seal is also denied.

Baton Rouge, Louisiana, March 26, 2013.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

¹ Record document number 46, Magistrate Judge's Report, p. 9.

² For the purpose of the district judge considering the un-redacted versions of the exhibits if the defendant timely seeks review of this ruling, those exhibits will remain in the record as Exhibits B, C, D, G and H to the Motion for Leave to File Unredacted Exhibits Under Seal.