

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

DONNA RENE HAMILTON

VERSUS

CITIMORTGAGE, INC., ET AL.

CIVIL ACTION

NO. 14-00359-SDD-SCR

RULING

On August 19, 2014, Defendant, Dean Morris, L.L.P., filed a *Motion for Joinder*¹ with Defendant Citimortgage's *Motion to Dismiss for Failure to State a Claim*². The Court hereby GRANTS Dean Morris' *Motion for Joinder*³. Because Dean Morris has already filed its *Answer* in this matter, the *Motion to Dismiss for Failure to State a Claim*, strictly as it pertains to Dean Morris, shall be treated as a Rule 12(c) *Motion for a Judgment on the Pleadings Based Upon a Failure to State a Claim*.⁴ Nonetheless, "[a] motion under Rule 12(c) for judgment on the pleadings is subject to the same standards as a motion to dismiss under Rule 12(b)(6)."⁵

¹ Rec. Doc. 17.

² Rec. Doc. 10.

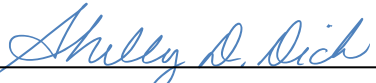
³ Rec. Doc. 17.

⁴ *Lucas v. Cannon*, 2013 WL 494124 n. 1 (M.D.La. Aug. 13, 2013)("a district court is authorized to treat an untimely Rule 12(b)(6) motion [one filed after an Answer has been filed] as a Rule 12(c) motion for judgment on the pleadings based upon a failure to state a claim." (citing *Jones v. Greninger*, 188 F.3d 322, 324 (5th Cir. 1999)).

⁵ *Purvis v. Teva Pharmaceuticals, USA, Inc.*, 901 F.Supp.2d 716, 719 (M.D.La. 2012)(quoting *In re Great Lakes Dredge & Dock Co., LLC*, 634 F. 3d 201, 209 (5th Cir. 2010)).

Accordingly, the Court hereby adopts and incorporates its findings and reasoning from its September 15, 2014 *Ruling*,⁶ and hereby dismisses Defendant, Dean Morris, L.L.P., from these proceedings without prejudice.

Signed in Baton Rouge, Louisiana, on September 17, 2014.



JUDGE SHELLY D. DICK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

⁶ In its September 15, 2014, *Ruling*, the Court explained because Plaintiff failed to file an opposition to Citimortgage's *Motion to Dismiss* as required by Local Rule 7.4M, and after further finding that the *Motion to Dismiss* had merit, the Court granted Citimortgage's *motion*. However, the Court further ruled that any response to its *Ruling* based on appropriate Rules of Federal Civil Procedure "shall be filed within fourteen (14) days and must be accompanied by an opposition memorandum to the original motion." Rec. Doc. 23.