

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHARLES M. GILMORE, ET AL.

CIVIL ACTION

VERSUS

NO. 14-00434-JWD-EWD

OFFICE OF ALCOHOL AND
TOBACCO CONTROL OF THE LOUISIANA
DEPARTMENT OF REVENUE, ET AL.

OPINION

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which an objection was filed:

IT IS ORDERED that the Corrected Motion for Leave of Court to File the First Amended Complaint, filed by plaintiffs Charles M. Gilmore, Daimian T. McDowell, and Larry J. Hingle, is denied with prejudice. (See R. Doc. 54). After identifying several deficiencies in the original Complaint, this Court granted plaintiffs leave to amend the Complaint, which resulted in the proposed First Amended Complaint that is now before the Court. Despite the opportunity to amend, plaintiffs have again failed to allege particular facts to support their claims for discrimination, retaliation, and failure to promote, and have advanced conclusory statements or the same deficient arguments as before. Plaintiffs have also attempted to reassert claims that were previously dismissed by this Court. The Court therefore concludes that plaintiffs have already pled their best case and granting additional leave to amend would be futile and cause needless delay.¹

Signed in Baton Rouge, Louisiana, on July 5, 2016.



**JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

¹ See *Jacquez v. Procunier*, 801 F.2d 789, 792 (5th Cir. 1986) ("At some point a court must decide that a plaintiff has had fair opportunity to make his case; if, after that time, a cause of action has not been established, the court should finally dismiss the suit").