

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

WAYNE A. MELANCON, JR. (#157797)

VERSUS

ASCENSION PARISH SHERIFF
OFFICE, ET AL.

CIVIL ACTION

NO. 14-486-JJB-EWD

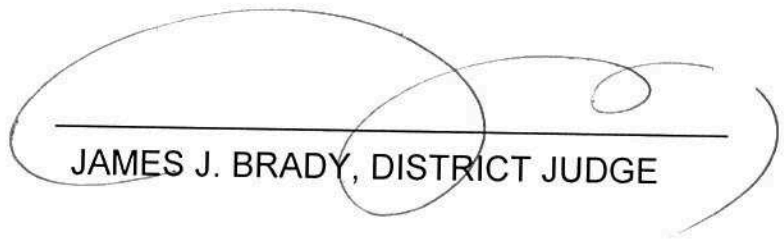
RULING

The court has carefully considered the complaint, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Erin Wilder-Doomes, dated June 28, 2016 (doc. no. 68).

Plaintiff filed a motion for summary judgment which was totally unsupported by any evidence, as noted by the defendants in their opposition and the magistrate judge in her Report and Recommendation. In response to the Report, plaintiff belatedly filed sixty-seven pages of documents. Plaintiff clearly did not support his summary judgment motion in the first instance and the court accordingly approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. In so doing, the court notes the following. Plaintiff may file another motion for summary judgment properly supported by evidence. However, summary judgment is never proper if there is a disputed issue of material fact relative to the claim. In such instances, plaintiff's claim (if legally viable) would have to be decided at trial, as opposed to a summary judgment motion.

Accordingly, plaintiff's motion (doc. 47) for summary judgment is hereby DENIED and this matter is referred back to the magistrate judge for further proceedings.

Baton Rouge, Louisiana, this 25th day of July, 2016.



JAMES J. BRADY, DISTRICT JUDGE