

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOSEPH BALLARD

CIVIL ACTION

VERSUS

20th JUDICIAL DISTRICT
COURT, ET AL.

NO. 15-627-JJB-EWD

ORDER

Before the Court are three pending *Motions to Dismiss* filed by the 20th Judicial District Court, 20th Judicial District Court Judge William Carmichael, and the 20th Judicial Clerk of Court, the Honorable Felicia Ann Hendl.¹ In response, Plaintiff Joseph Ballard has filed one *Opposition*.² In addressing the 20th Judicial District Court's ("20th JDC") arguments, Plaintiff concedes that Louisiana's state courts are not juridical persons under Louisiana state law and lack the capacity to sue or be sued.³ Finding merit in the 20th JDC's arguments,⁴ the Court shall dismiss Plaintiff's claims brought against the 20th JDC. The Court shall also grant Plaintiff's request to file a second amended complaint to more properly set forth his claims, particularly in light of the fact that he is now represented by counsel.⁵

¹ Doc. 20, Doc. 21, and Doc. 22, respectively.

² Doc. 30.

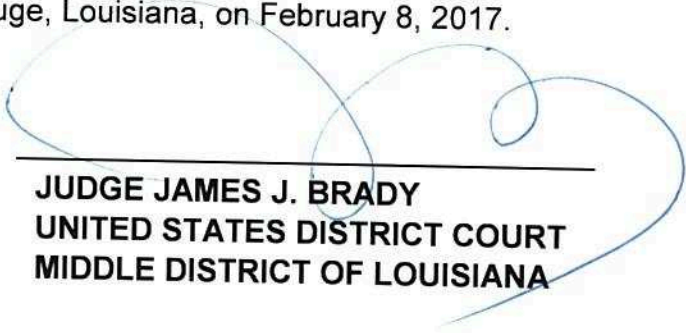
³ Doc. 30, p. 12.

⁴ Doc. 20-1. (quoting standard from *Roberts v. Sewerage & Water Bd. of New Orleans*, 634 So.2d 341, 346-47 (La. 1994); citing *Green v. Dist. Attorney Office*, 2009 WL 651132, at *5 (E.D.La. Mar. 10, 2009)(The Louisiana Constitution has established three branches of government, including the judicial branch. As such, Louisiana's district courts are component parts of the judicial branch of Louisiana's state government that lack the power to be sued.)).

⁵ Now that Plaintiff is represented by counsel, the Court cautions that the allegations and legal claims provided in any amended complaints be "warranted by existing law" and consist of "nonfrivolous arguments" so as to avoid Rule 11 sanctions. The Court has serious concerns about the viability of Plaintiff's claims as plead considering 11th amendment sovereign immunity, judicial immunity, and the *Parratt/Hudson* doctrine.

Accordingly, the Court hereby grants the 20th JDC's *Motion to Dismiss*.⁶ It is further ordered that Plaintiff is hereby granted leave to amend his *Complaint* within 21 days of this *Order*. As for the pending *Motions to Dismiss* filed by District Judge Carmichael and the Honorable Felicia Ann Hendl, the motions are hereby **dismissed without prejudice** to refiling after Plaintiff's amended complaint has been filed into the record.⁷

Signed in Baton Rouge, Louisiana, on February 8, 2017.



**JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

⁶ Doc. 20.

⁷ Doc. 21 and Doc. 22.