

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

IRMA JEAN CARTER

CIVIL ACTION

VERSUS

17-201-SDD-SDJ

N. BURL CAIN, *et al.***RULING**

This matter is before the Court on the *Motion for Summary Judgment*¹ filed by Defendants James LeBlanc, Burl Cain, Darryl Vannoy, and Leslie Dupont (collectively, “Defendants”). Local rule 7(f) of the Middle District of Louisiana requires that memoranda in opposition to a motion be filed within twenty-one (21) days after service of the motion. Despite this rule, Plaintiff Irma Jean Carter (“Carter”) failed to timely oppose this motion, which was electronically filed on August 21, 2020. Under the Federal Rules of Civil Procedure and the Local Rules of Court, Plaintiff was required to file an opposition no later than September 11, 2020. At no time did Plaintiff request an extension of time to oppose this motion.

Therefore, the pending motion is deemed to be unopposed and further, after reviewing the record, the Court finds that the *Motion* has merit, particularly because Defendants’ *Statement of Undisputed Facts*² is uncontroverted, and the summary judgment evidence submitted supports Defendants’ arguments. Accordingly, **IT IS HEREBY ORDERED** that Defendants’ *Motion for Summary Judgment*³ is GRANTED,

¹ Rec. Doc. No. 92.


² Rec. Doc. No. 92-2.

³ Rec. Doc. No. 92.

and this matter shall be dismissed with prejudice.

Any response to this *Ruling*, which should explain Plaintiff's failure to comply with the Court's deadlines, based on the appropriate Federal Rule of Civil Procedure, shall be filed within fourteen (14) days and must be accompanied by an opposition memorandum to the original *Motion*. Counsel for Plaintiff is cautioned that the Fifth Circuit has routinely concluded that calendaring errors do not constitute "excusable neglect" under Federal Rule of Civil Procedure 60(b)(1).⁴

Baton Rouge, Louisiana, this 14th day of October, 2020.



SHELLY D. DICK
CHIEF DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

⁴ See, e.g., *Buckmire v. Mem'l Hermann Healthcare Sys. Inc.*, 456 Fed.Appx. 431, 432 (5th Cir. 2012) (affirming the district court's denial of a Rule 60(b)(1) motion where the lawyer "forgot to 'calendar' the deadline for a response"); cf. *Brittingham v. Wells Fargo Bank, N.A.*, 543 Fed.Appx. 372, 374 (5th Cir. 2013) ("We have previously held that a district court does not abuse its discretion when it denies a Rule 60(b)(1) motion where the proffered justification for relief is the careless mistake of counsel.").