

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

WANDA KING

CIVIL ACTION

VERSUS

17-406-SDD-EWD

SHERIFF BRETT STASSI, et al

RULING

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.

In the present case, a *Motion to Dismiss*¹ was electronically filed by Defendant, Iberville Parish Sheriff's Department on August 4, 2017. A review of the record shows that more than twenty-one (21) days have elapsed since the electronic service of this Motion, and no memorandum in opposition has been submitted to date.

Therefore, this Motion is deemed to be unopposed and further, after reviewing the record, the Court finds that the Motion has merit.² Accordingly,

IT IS HEREBY ORDERED that the *Motion to Dismiss* is GRANTED and Defendant Iberville Parish Sheriff's Department is dismissed from these proceedings without prejudice.

Any response to this *Ruling*, which should explain the Plaintiff's failure to comply with the Court's deadlines, based on the appropriate Federal Rule of Civil Procedure,

¹ Rec. Doc. 6.

² "Louisiana law affords no legal status to the Parish Sheriff's Department so that the department can sue or be sued." See *Walker v. Iberia Parish Sheriff Dept.*, No. CIV.A. 06-2192, 2007 WL 2127706 (W.D. La. June 25, 2007); *Valentine v. Bonneville Insurance Co.*, 691 So.2d 665, 668 (La.1997).
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shall be filed within fourteen (14) days and must be accompanied by an opposition memorandum to the original Motion.

On review of the pleadings filed along with the opposition, the Court, at its discretion, may assess costs, including attorney's fees, against the moving party, if the Court deems that such a motion was unnecessary had a timely opposition memorandum been filed³. A statement of costs conforming to L.R. 54(c) shall be submitted by all parties desiring to be awarded costs and attorney's fees no later than seven (7) days prior to the hearing on the newly filed motion.

Signed in Baton Rouge, Louisiana on March 7, 2018.


Shelly D. Dick
JUDGE SHELLEY D. DICK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

³ See Fed. R. Civ. P. 16, 83.
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