

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MELISSA DURHAM

CIVIL ACTION

VERSUS

AMIKIDS, INC., ET AL.

NO: 18-00559-BAJ-EWD

ORDER

Before the Court is Defendant's **Motion to Strike Plaintiff's Motion for Summary Judgment (Doc. 34)**. Defendant requests that Plaintiff's Motion for Summary Judgment (Doc. 33) be stricken from the record for prematurity because it seeks summary judgment on the merits of Plaintiff's claim under the Louisiana Employment Discrimination Law and that it is an improper attempt to reargue the employee threshold issue. The Court notes that Plaintiff is pro se and not a skilled employment law practitioner. In consideration of the disadvantages of filing pro se, "federal courts have a traditional disposition of leniency towards pro se litigants." *Spotville v. Cain*, 149 F.3d 374,377 (5th Cir. 1998). For this reason, pro se filings are typically held to less stringent standards than those drafted by lawyers. See *Haines v. Kerner*, 404 U.S. 519,520, 92 S.Ct. 594,596 (1972). In the spirit of this sentiment, the Court will allow Plaintiff's motion to remain on the record.

The Court notes that Defendants have filed Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment and Incorporated Memorandum of Law (Doc. 35), which the Court will take into consideration in the ruling on Plaintiff's Motion for Summary Judgment. Therefore, Plaintiff's motion will not be stricken from the record.

IT IS ORDERED that Defendant's Motion to Strike is **DENIED**.

Baton Rouge, Louisiana, this 20th day of September, 2019.



**JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**