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WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANAUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISIONWILLIAM BROYLES, III., et al.  
-vs-CIVIL ACTION NO. 10-1580  
JUDGE DRELL

DOUGLAS GUILLORY , et al.

MAGISTRATE JUDGE KIRK

**JUDGMENT**

For the reasons contained in the Report and Recommendation (Doc. 43) of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Defendants' Motions to Dismiss for Failure to State a Claim (Docs. 31 & 35) are DENIED.

In so ruling, we note we are required to consider, sua sponte, the issue of subject matter jurisdiction pursuant to Fed. R. Civ. Proc. 12(h)(3). Accordingly, the parties are ordered to present briefs to the Court addressing the following issues:

- (1) Although the State of Louisiana is not specifically named as a defendant, is this suit not, in essence, one against the State of Louisiana and therefore barred under the 11<sup>th</sup> Amendment of the United States Constitution?
- (2) Does this Court have jurisdiction to consider what appears to be entirely a case involving state regulations of a state industry?
- (3) Where Due Process rights in licensing revocation are provided by a state statute, does a breakdown in that process involve a federal right?

- (4) To what extent does a renewable state licensing procedure result in a protected property interest? In asking this question, we observe that tenure as a professor may well be protected but a driver's license may well not. Where does a license to promote wrestling fall in the continuum between these?

The parties shall file such briefs within thirty (30) days from the date of this judgment, and replies shall be due within forty-five (45) days from the date of this judgment.

SIGNED on this 4 day of January, 2013 at Alexandria, Louisiana.



DEE D. DRELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT