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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

TERRI L. MATTHEWS

CIVIL ACTION NO. 13-2303

-vs-

JUDGE DRELL

CITY OF ALEXANDRIA, et al.

MAGISTRATE JUDGE KIRK

RULING & ORDER

Before the Court is Plaintiff Terri Matthews's Motion to Upset Deadline and Trial Fixing (Doc. 82). We have considered the motion and the response thereto, and for the following reasons, Plaintiff's motion will be DENIED. We also consider here two Report and Recommendations from the Magistrate Judge (Docs. 77, 80).¹

Analysis

Ms. Matthews asks us to allow her more time to serve Corporal Michaels.² She alleges various impediments to this service, all of which occurred on or before August 20, 2014. (Doc. 82). Ms. Matthews was afforded various opportunities to amend her complaint and effect service on later-named defendants. (See Docs. 34, 36, 42, 49). The Report and Recommendation which recommended allowing Ms. Matthews more time to serve defendants was adopted by this Court on August 11, 2014, and subsequently Ms. Matthews effected service on Defendant Pam McCarthy in August 2014, and on Defendant Michael Grayson in February 2015. (Docs. 37, 40, 62).

If Ms. Matthews also attempted to serve Corporal Michaels in August 2014 and met with difficulty in doing so, she was required to notify this court within 120 days, not

¹ Doc. 80 amends Doc. 79 and adds Doc. 49 as one document that the Report and Recommendation considers, but otherwise, the two Reports are identical.

² Corporal Michaels, or Corporal Mickals, as he is variously called in documents throughout this litigation, is actually Corporal Mickel, as noted in Defendant's Response Motion. (Doc. 83).

eight months later after a Report and Recommendations recommended dismissing her claims against Corporal Michaels. Fed. R. Civ. P. 4(m).

Conclusion

For the reasons contained in both Report and Recommendations, noting the absence of objections to either by Plaintiff Terri Matthews and concurring with the Magistrate Judge's findings under applicable law, in addition to the reasons set forth herein, Defendant Pam McCarthy's Motion to Dismiss, or in the alternative Motion for Summary Judgment (Doc. 68), is GRANTED, Defendant Michael Grayson's Motion to Dismiss (Doc. 66) is GRANTED, and all claims against those defendants are DISMISSED. Plaintiff Terri Matthew's Motion to Upset Deadline and Trial Fixing (Doc. 82) is DENIED, and all claims against Corporal Michaels are DISMISSED.

Because we dismiss all claims against the individual defendants, we now dismiss the remaining state law claims against the City of Alexandria. The only remaining basis for potential liability against the City was respondeat superior liability for the actions of its employees. Because all claims against any City employee are dismissed, there can be no respondeat superior liability. Therefore, we dismiss the City sua sponte. This suit is DISMISSED WITH PREJUDICE.

SIGNED on this ^{9th} / 15 day of June, 2015 at Alexandria, Louisiana.



DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT