

MAR 09 2016

TONY R. MOORE CLERK  
BY   *LM*   DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

LEON W. DAVIS

CIVIL ACTION NO. 14-1049

-vs-

JUDGE DRELL

LOUISIANA BOARD OF  
SUPERVISORS OF UNIVERSITY  
OF LOUISIANA SYSTEMS o/b/o  
NORTHWESTERN STATE  
UNIVERSITY

MAG. JUDGE PEREZ-MONTES

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**RULING AND JUDGMENT**

Before the court is a “Motion to Dismiss” filed by Defendant in the above-captioned employment discrimination suit. (Doc. 30). Defendant’s motion is not opposed by Plaintiff. (Doc. 34). Having reviewed the instant motion, finds that its premise is well supported by applicable jurisprudence. Accordingly, it is hereby,

**ORDERED, ADJUDGED and DECREED** that Defendant’s Motion to Dismiss is **GRANTED** in that Plaintiff’s claim for relief under the Age Discrimination in Employment Act (“ADEA”) is **DISMISSED** with prejudice based upon our finding that this court lacks subject matter jurisdiction over same by virtue of Louisiana’s Eleventh Amendment immunity from suit for claims under that statute. Kimel v. Florida Board of Regents, 528 U.S. 62 (2000); Raj v. Louisiana State University, 167 So.3d 1023 (La. App. <sup>Doc. 37</sup> 1 Cir. 2015). Plaintiff’s remaining claims of race and disability-based discrimination are hereby preserved for further proceedings. In light of the foregoing, it is further

**ORDERED** that the parties file a new plan of work in this case within thirty (30) days of the issuance of this ruling and judgment.

SIGNED at ALEXANDRIA, LOUISIANA this 9<sup>th</sup> day of March, 2016.



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**DEE D. DRELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT**