

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

PAULINE MOSS RODOCK

CIVIL ACTION NO. 17-0825

VERSUS

JUDGE S. MAURICE HICKS, JR.

C. ANTHONY EAVES, ET AL.

MAGISTRATE JUDGE KAY

MEMORANDUM RULING

Before the Court is Plaintiff Pauline Moss Rodock's ("Rodock") "Motion to Amend Judgment and New Trial; Motion to Set Preliminary/Pretrial Hearing; Motion for Declaratory Decree." Record Document 28. Defendants C. Anthony Eaves ("Eaves") and the State of Louisiana (collectively "Defendants") filed a memorandum in opposition. Record Document 31.¹ After consideration of the memoranda in support and in opposition, and with the exception of one issue raised, the Court finds that Rodock has not "clearly establish[ed] either a manifest error of law or fact [nor] present[ed] newly discovered evidence" to prevail on a motion to amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Schiller v. Physicians Resource Group Inc., 342 F.3d 563, 567 (5th Cir. 2003) (quoting Rosenzweig v. Azurix Corp., 332 F.3d 854, 863-64 (5th Cir. 2003)). However, Rodock raises the issue that the Court entered Judgment dismissing the claims against the State of Louisiana with prejudice despite the fact that it adopted the Report and Recommendation which recommended dismissal of those claims without prejudice. See Record Documents 17, 26, 27, 28, p. 6. The Court will issue an

¹Rodock filed an untimely reply to Defendants' memorandum in opposition. See Record Documents 29, 31, 32 (providing a December 21, 2017, deadline for Rodock to file a reply). Therefore, the Court does not consider the arguments made therein.

Amended Judgment reflecting dismissal of Rodock's claims against the State of Louisiana without prejudice.

Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that Rodock's Motion to Amend Judgment (Record Document 28) is **GRANTED IN PART** to the extent that the Court will issue an Amended Judgment to reflect the dismissal of Rodock's claims against the State of Louisiana without prejudice; and **DENIED IN PART** in all other respects.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Rodock's Motion to Set Preliminary/Pretrial Hearing and Motion for Declaratory Decree (Record Document 28) are **DENIED AS MOOT**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 3rd day of January, 2018.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT