

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

EUREKA PANMONTE DEMERY-
CHITMAN

CIVIL ACTION NO. 17-cv-0043

VERSUS

JUDGE FOOTE

RED RIVER ENTERTAINMENT OF
SHREVEPORT, LLC

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Eureka Panmonte Demery-Chitman (“Plaintiff”) filed this civil action against Red River Entertainment of Shreveport, LLC by filing a completed form titled “Complaint for Employment Discrimination.” The form identifies the parties and indicate that the claims are based on Title VII and the ADA related to sexual harassment and a hostile working environment. Plaintiff checked boxes to indicate that she believes that she has been discriminated against based on her race, color, gender, religion, and disability. She also indicated that she has received a notice of right to sue from the EEOC.

The form tendered by Plaintiff instructed that she write a short and plain statement of her claim by setting forth the facts that shows she is entitled to damages or other relief. The form directed Plaintiff to explain briefly how the defendant was involved and what it did to cause her harm or violate her rights, including the dates and places of that involvement or conduct. Plaintiff did not, however, complete that portion of the form or otherwise set forth any facts to support her claims. She did later file an amended complaint and attach a copy

of her EEOC charge and notice of right to sue. The charge sets forth a very basic summary of the claims.

To avoid dismissal for failure to state a claim, a plaintiff's complaint must plead enough facts to "state a claim to relief that is plausible on its face." Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009) (quoting Bell Atl. Corp. v. Twombly, 127 S.Ct. 1955 (2007)). The factual allegations must "raise a right to relief above the speculative level." Twombly, 127 S.Ct. at 1965. "[P]ro se complaints are held to less stringent standards than those drafted by lawyers," but even in a pro se complaint "conclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss." Taylor v. Books A Million, Inc., 296 F.3d 376, 378 (5th Cir. 2002).

It is questionable whether the papers submitted by Plaintiff are adequate to state a claim on which relief may be granted. Accordingly, Plaintiff is afforded the opportunity to file another amended complaint by **February 21, 2017** that sets forth in separate, numbered paragraphs a short and plain statement of the facts she asserts as the basis for her claims. Plaintiff does not need to make legal arguments. She should state the facts that she alleges amount to unlawful discrimination, and she should state briefly and precisely what damages or other relief she seeks from the court.

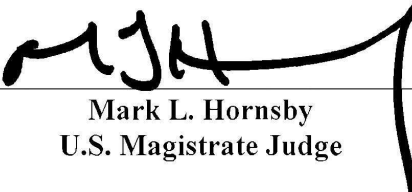
The court will review the case after February 21 and determine whether the case may move forward. If the case is allowed to progress, Plaintiff will need to serve her complaint and any amended complaint on Red River Entertainment of Shreveport, LLC through a

lawful agent for service or obtain a waiver of service from Red River Entertainment. Information regarding a company's agent for service is often available on the website on the Secretary of State. Summons forms are available from the Clerk of Court. More specific instructions regarding how to make service can be found in Federal Rule of Civil Procedure 4.

Plaintiff has the responsibility of promptly reporting in writing to the court and to all other parties any change in her mailing address. Failure to do so may be considered grounds for dismissal or other appropriate sanctions. See Local Rule 41.3.

If a person chooses to pursue a lawsuit without the assistance of an attorney, the person is required to obey and follow the orders and rules of the court. Ignorance of the law is not a valid excuse, and mistakes may lead to dismissal of a case. The judges, clerk of court and their staff members are not permitted to give a party legal advice. The Federal Rules of Civil Procedure, the Local Rules, and a Guide to Practice are located on the court's website: www.lawd.uscourts.gov. The site also provides a document titled "Information on Filing a Lawsuit In Federal Court Without A Lawyer" that Plaintiff may wish to review.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 19th day of January, 2017.


Mark L. Hornsby
U.S. Magistrate Judge