

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

LINDA OATIS

CIVIL ACTION NO. 20-cv-1014

VERSUS

JUDGE ELIZABETH E. FOOTE

RETZER GROUP INC, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER


Plaintiff, a citizen of Mississippi, filed this action in state court against three defendants, Michael Retzer Jr., Retzer Resources, Inc., and The Retzer Group, Inc. The defendants removed the case based on an assertion of diversity jurisdiction. They acknowledged that Plaintiff and Retzer Resources, Inc. are both Mississippi citizens, which would destroy diversity, but the defendants assert that the citizenship of Retzer Resources, Inc. should be ignored pursuant to the improper joinder doctrine.

The court issued a memorandum order (Doc. 4) that required Plaintiff, if she contests the assertion that Retzer Resources, Inc. was improperly joined, to file a motion to remand by September 7, 2020. The order stated that if Plaintiff did not timely file a motion to remand and challenge the improper joinder plea, the court would consider Plaintiff to concede the point, Retzer Resources, Inc. would be dismissed, and the case would proceed toward a scheduling order.

The September 7 deadline has passed, and Plaintiff did not file a motion to remand. The appropriate action when a defendant has been improperly joined is to dismiss all claims against that defendant without prejudice. International Energy Ventures Mgmt., L.L.C. v.

United Energy Grp., Ltd., 818 F.3d 193, 210 (5th Cir. 2016). Accordingly, all claims against Retzer Resources, Inc. are dismissed without prejudice. A scheduling conference will be held in due course.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 15th day of September, 2020.



Mark L. Hornsby
U.S. Magistrate Judge