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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

FRANK TAYLOR

CIVIL ACTION 11-1259

VERSUS

JUDGE DOHERTY

BP AMERICA, INC., ET AL.

MAGISTRATE JUDGE HILL

**MEMORANDUM RULING**

Pending before this Court is the Motion for Summary Judgment [Doc. 17] filed by defendant Odyssea Marine, Inc. (“Odyssea Marine”), wherein Odyssea Marine seeks dismissal of the plaintiff’s claims asserted under the Jones Act, on grounds the plaintiff’s own testimony shows he does not meet the test for Jones Act seaman status as set forth by the United States Supreme Court in *Chandris v. Latsis*, 515 U.S. 347, 115 S.Ct 2172 (1995). The motion is unopposed. Additionally, after the filing of the instant motion, on August 27, 2012, the plaintiff filed a Motion for Leave to Amend [Doc. 19] his complaint to remove all claims asserted under the Jones Act. The motion for leave was granted by the magistrate judge on August 28, 2012 [Doc. 21].

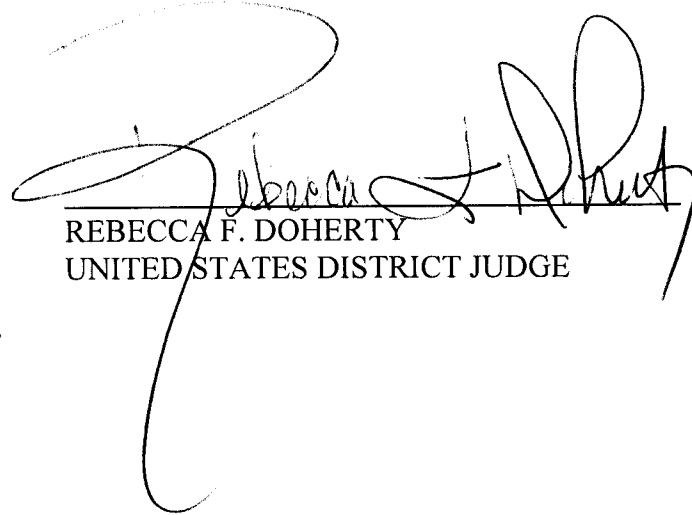
Considering the foregoing, it appears the instant motion for summary judgment is moot, the plaintiff having amended his complaint to remove all claims asserted under the Jones Act. However, to the extent the Amended Complaint [Doc. 21] has not removed all claims asserted under the Jones Act, all such claims are DENIED AND DISMISSED WITH PREJUDICE, as the instant motion for summary judgment appears to be well grounded in law and fact and is unopposed by any party.

In light of the foregoing,

IT IS ORDERED that the Motion for Summary Judgment [Doc. 17] filed by defendant

Odyssea Marine, Inc. ("Odyssea Marine") is DENIED AS MOOT, however, to the extent the plaintiff's Amended Complaint [Doc. 21] contains claims asserted under the Jones Act, all such claims are DENIED AND DISMISSED WITH PREJUDICE.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 21 day of September, 2012.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE