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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

WILLIE FRANCISCO

CIVIL ACTION NO. 13-0815

VERSUS

JUDGE DOHERTY

MICHAEL EDMONSON, ET AL.

MAGISTRATE JUDGE HANNA

ORDER

For the reasons stated in the Memorandum Ruling dated September 29, 2014,

IT IS ORDERED that the Motion to Dismiss [Doc. 6] is GRANTED to the extent that all official-capacity claims against Troopers Bruner, Hanks, and Bouillion are dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) of the Federal Rules of Civil Procedure, and the claims *as stated in the original complaint* against Col. Michael Edmonson are dismissed for failure to state a federal claim that is plausible on its face under Rule 12(b)(6). However, the plaintiff's Motion to Amend [Doc. 23] is GRANTED, and the plaintiff is permitted to amend his complaint to: (1) assert an individual-capacity claim against Trooper Dexter Bourque for his alleged failure to reconstruct the accident; (2) add a personal-capacity claim against Col. Edmonson for his alleged failure to properly train and supervise Trooper Dexter Bourque; and (3) clarify that all claims asserted against Troopers Bruner, Hanks, and Bouillion are personal-capacity claims. However, this Court, once again, admonishes plaintiff's counsel for his failure to properly state his client's claims under §1983 and cautions against such conduct in the future, and notes such conduct, likely, will effect a different result.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 29 day of September, 2014.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE