

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TIMOTHY BERNARD, SR, ET AL.

CIVIL ACTION NO. 13-2339

VERSUS

JUDGE DOHERTY

LAFAYETTE CONSOLIDATED GOVT, ET AL.

MAGISTRATE JUDGE HANNA

JUDGMENT

IT IS ORDERED that the Motion to Dismiss for Lack of Subject Matter Jurisdiction, or in the Alternative, Motion to Dismiss For Failure to State a Claim [Doc. 6], filed by J. Alfred Mouton Realty (“Mouton”) is GRANTED, and the plaintiff’s claims against J. Alfred Mouton Realty are DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction. This Court notes and corrects the typographical error contained within the magistrate judge’s Report [Doc. 15], wherein the magistrate judge states on page 13 his recommendation that the motion to dismiss be granted on 12(b)(6) grounds. As stated later in the Conclusion of the Report, the magistrate judge recommends denial of the Mouton’s motion on 12(b)(6) grounds, and this Court agrees.

IT IS FURTHER ORDERED that the Motion to Dismiss for Lack of Subject Matter Jurisdiction, or in the Alternative, Motion to Dismiss For Failure to State a Claim, or in the Alternative, Motion for More Definite Statement under Rule 12(e) [Doc. 11] filed by Lafayette Consolidated Government is GRANTED IN PART AND DENIED IN PART, for the reasons stated in the magistrate judge’s Report [Doc. 16], and the claims of the plaintiffs against Lafayette

Consolidated Government are DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 16 day of December, 2013.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE