

JUL 14 2015
TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT COURT OF LOUISIANA
LAFAYETTE DIVISION

James Patrick MacManus

Civil Action No. 15-01723

versus

Judge Richard T. Haik, Sr.

Lafayette Consolidated Government, et al

Magistrate Judge C. Michael Hill

JUDGMENT

Before the court is an unopposed¹ Motion to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted filed by defendants Lafayette City-Parish Consolidated Government; Officer Ricky Fontenot, Individually and in his Official Capacity as a Police Officer for Lafayette City-Parish Consolidated Government; and Officer Michael J. Onezime, Individually and in his Official capacity as a Police Officer for Lafayette City-Parish Consolidated Government [Rec. Doc. 5]. Defendants contends that Officer Fontenot and/or Officer Onezime were not acting under the authority of the federal government, and therefore, the claims under the Fifth Amendment should be dismissed.

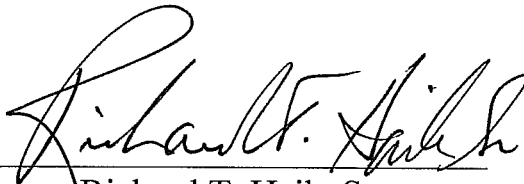
The Fifth Amendment's Due Process Clause only applies to constitutional violations committed by the United States or a federal actor. *Jones v. City of Jackson*, 203 F.3d 875, 880 (5th Cir. 2000). Plaintiff alleges that Officer Fontenot

¹ Under Local Rule 7.5, a party's failure to file a response to a motion within the time allowed for (21 days) is construed as non-opposition to the motion. Any opposition to Defendant's motion was due by July 6, 2015.

and Officer Onezime are employees of the Lafayette Consolidated Government, a municipal government. Therefore, as the officers were not acting under the authority of the federal government, plaintiff has failed to state a claim against them for a Fifth Amendment violation. Accordingly,

IT IS ORDERED that the unopposed Motion to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted filed by the Lafayette Consolidated Government [Rec. Doc. 5] is **GRANTED**.

Thus done and signed this 13th day of July, 2015 at Lafayette, Louisiana.


Richard T. Haik, Sr.
United States District Judge