

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

JARAI R. ANDRUS

CIVIL ACTION NO. 6:15-cv-02569

VERSUS

UNASSIGNED DISTRICT JUDGE

CITY OF CROWLEY, ET AL.

MAGISTRATE JUDGE HANNA

RULING

Pending before the Court is a Motion to Substitute Party Plaintiff, filed by counsel for Plaintiff. [Doc. No. 18]. On April 17, 2018, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending the motion be denied and that Plaintiff’s claims be dismissed *sua sponte* in light of all parties’ failure to comply with the Court’s Order requiring the submission of status reports, all parties’ failure to comply with the notice and service requirements of Fed. R. Civ. P. 25, and Plaintiff counsel’s failure to properly support his Motion to Substitute Party Plaintiff. [Doc. No. 22 at 8]. Counsel for Plaintiff has filed objections to the report and recommendation, and counsel for Defendants has filed a response thereto. [Doc. Nos. 24 & 25]. In his objections to the R&R, counsel for Plaintiff explains the difficulty he has had in locating and conferring with the proper substitute Plaintiff and obtaining the appropriate documents from state court to support his motion. Counsel additionally attaches to his objection documents which purportedly resolve the deficiencies in his motion identified by the Magistrate Judge.¹

In light of the foregoing submission, the Court **DECLINES** to dismiss this case *sua sponte* at this time. However, counsel for Plaintiff is **CAUTIONED** that future dilatory conduct will subject him to sanctions, including dismissal of this matter. Additionally, this matter is **REMANDED** to the

¹See Doc. No. 24-1 (signed Letters of Curatorship), and Doc. No. 24-2 (Affidavit of Death and Heirship); *see also* Doc. No. 25-2 at 4 (Signed Order appointing Succession Representative and Tutor).

Magistrate Judge to reconsider Plaintiff's Motion to Substitute Party Plaintiff in light of the new submissions filed into the record in this matter.

Signed at Monroe, Louisiana, this 4th day of June, 2018.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE