

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

MARCUS S. BABAoyE

CIVIL ACTION NO. 6:17-CV-00960

VERSUS

JUDGE JUNEAU

**SOUTH LOUISIANA COMMUNITY MAGISTRATE JUDGE WHITEHURST
COLLEGE, ET AL**

MEMORANDUM RULING

Before the Court is the Motion for Summary Judgment filed by the Board of Supervisors of Louisiana Community & Technical College System and Natalie Harder, Rec. Doc. 82. Noting that there was no timely opposition to the motion,¹ the Court has reviewed the record in the case, including the pleadings, the Plaintiff and Defendant Harder's depositions, the instant motion, the submitted evidence, and the relevant law to reassure itself of the propriety of the motion before granting summary judgment. Having done so, the Court finds that the instant motion is valid in its conclusion that the Plaintiff has not shown the existence of a genuine issue of material fact. Accordingly,

IT IS ORDERED, ADJUDGED AND DECREED that


¹ "A motion for summary judgment cannot be granted simply because there is no opposition, even if the failure to oppose violated a local rule. The movant has the burden of establishing the absence of a genuine issue of material fact, and unless he has done so, the court may not grant the motion, regardless of whether any response was filed." *Hetzel v. Bethlehem Steel Corp.* 50 F.3d 360, 362 (5th Cir. 1995). However, in light of the Plaintiff's failure to file a timely opposition and statement of contested material facts, the Court deems the Defendants' statement of uncontested material facts, Rec. Doc. 82-2, admitted for purposes of the motion. Local Rule 56.2W.

Defendants' Motion for Summary Judgment, Rec. Doc 82, is **GRANTED**;

That the hearing in this matter set for August 19, 2021 at 9:30 a.m. is **CANCELLED**, along with all other proceedings and deadlines contained in the Court's previous Scheduling Order, Rec. Doc. 78, that have not yet passed; and,

That the Plaintiff's claims, and this matter, are **DISMISSED WITH PREJUDICE**, at Plaintiff's cost.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 22nd day of July, 2021.


MICHAEL J. JUNEAU
UNITED STATES DISTRICT JUDGE