

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KENNETH HALL,

*

CIVIL ACTION 3:12-cv-657

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VERSUS

*

CHIEF JUDGE BRIAN A. JACKSON

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STATE OF LOUISIANA,

*

MAGISTRATE JUDGE

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RICHARD L. BOURGOIS, JR.

**MEMORANDUM IN SUPPORT OF MOTION ON BEHALF OF THE STATE OF
LOUISIANA, LOUISIANA GOVERNOR BOBBY JINDAL AND LOUISIANA
ATTORNEY GENERAL JAMES D. “BUDDY” CALDWELL TO DISMISS
INTERVENOR BYRON SHARPER’S
COMPLAINT AND SUPPLEMENTAL COMPLAINT**

The State of Louisiana (“the State”) and Louisiana Governor Bobby Jindal (“Governor Jindal”) and Louisiana Attorney General James D. “Buddy” Caldwell (“Attorney General Caldwell”), in their official capacities, submit this memorandum in support of their motion to dismiss Intervenor Byron Sharper’s Complaint and Supplemental Complaint. For the reasons discussed herein, Plaintiff’s suit should be dismissed, with prejudice, at his cost.

The State maintains its position that the lawsuit must be dismissed. This action against the State is barred by the Eleventh Amendment. See Motion to Dismiss (Rec. Doc. No. 39). La. R.S 13:5106(a) provides that “no suit against the state shall be instituted in any court other than a Louisiana state court.” See *Wilson v. Poche*, 12-187 (MDLA 3/8/13).

CONCLUSION

The Plaintiff's suit against the State of Louisiana and Governor Bobby Jindal and Attorney General James D. "Buddy" Caldwell, in their official capacities, is barred by the Eleventh Amendment. Even if it were not barred, Plaintiff has failed to state a claim on which relief can be granted against them. Movants respectfully request that the Court dismiss the claims against them with prejudice at Plaintiff's cost.

RESPECTFULLY SUBMITTED,
JAMES D. "BUDDY" CALDWELL
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Louisiana Attorney General James D.
"Buddy" Caldwell*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **18th day of June, 2013**, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, and notice will be sent to all counsel of record, by operation of the court's electronic filing system.

/s/ William P. Bryan, III
WILLIAM P. BRYAN, III