

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

HOWARD BROWN

CIVIL DOCKET NO.: 3:22-cv-00264

VERSUS

JUDGE DICK

CITY OF CENTRAL, ET AL.

MAGISTRATE BOURGEOIS

MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)¹

NOW INTO COURT, through undersigned counsel, comes the CITY OF CENTRAL, a defendant in the above captioned matter, who pursuant to Fed. R. Civ. Proc. 12(b)(6), moves for dismissal of plaintiff's suit for failure to state a claim upon which relief can be granted. Plaintiff seeks to recover damages for injuries he allegedly suffered. Plaintiff's claims against the defendant are frivolous as he fails to state a claim upon which relief may be granted as the matter is prescribed on its face.

WHEREFORE, defendant, the CITY OF CENTRAL, prays that this Motion be set for hearing in accordance with the attached Order, and that the Court thereafter grant the requested relief of dismissal of plaintiff's suit against the defendants with prejudice and at his costs. Defendants further pray for all general and equitable relief as may be afforded by the premises.

Respectfully submitted,

/s/ J. Scott Thomas

J. Scott Thomas (La. Bar Roll No. 22635)

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¹ Or alternatively, a Motion for Summary Judgment pursuant to Rule 56.

CERTIFICATE

I hereby certify that on this 8th day of August, 2022, a copy of the above and foregoing motion was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to plaintiff and any counsel of record by operation of the court's electronic filing system as well as U.S. mail at their given address which is listed as follows:

Howard Gary Brown
1344 Lakeridge Drive
Baton Rouge, Louisiana 70802

/s/ J. Scott Thomas
J. Scott Thomas (La. Bar Roll No. 22635)