

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**JOHNNY DUNCAN**

**Plaintiff**

**VERSUS**

**STATE OF LOUISIANA, LOUISIANA  
SECRETARY OF STATE OFFICE,  
SECRETARY OF STATE TOM  
SCHEDLER, TANGIPAHOA PARISH  
COUNSEL, TANGIPAHOA PARISH  
CLERK OF COURT OFFICE, CLERK  
JULIAN DUFRECHE, TANGIPAHOA  
PARISH REGISTRAR OF VOTERS  
OFFICE, AND TANGIPAHOA  
PARISH REGISTRAR OF VOTERS  
JOHN RUSSELL**

**Defendants**

**CIVIL ACTION NO. 15-5486**

**SECTION: "B"**

**JUDGE: IVAN L.R. LEMELLE**

**MAG.: SALLY SHUSHAN**

**TRIAL BY JURY DEMANDED**

**MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(1) AND 12(B)(6)**

**NOW INTO COURT**, through undersigned counsel, come Defendant, the State of Louisiana (the "*State*"), who files this Motion to Dismiss the claims asserted against it by Plaintiff, Johnny Duncan, on the grounds that, pursuant to Fed. R. Civ. P. 12(b)(1), this court lacks subject matter jurisdiction over Plaintiff's Section 1983 claims against the State and, pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff has failed to state a cause of action against the State upon which relief can be granted.

WHEREFORE, as more thoroughly set forth in the attached Memorandum, the State prays that its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) be granted and that this court dismiss all of Plaintiff's claims against the State with prejudice at Plaintiff's cost.

*Signature on next page.*

Respectfully Submitted:

**SHOWS, CALI & WALSH, L.L.P.**

*/s/ Grant J. Guillot*

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*Attorneys for Defendant, State of Louisiana*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 7<sup>th</sup> day of January, 2016, a copy of the foregoing has this date been served upon all parties through their respective counsel of record by operation of the Court's electronic filing system and has been filed electronically with the Clerk of Court using the CM/ECF system. A copy of the foregoing has been mailed to the following:

Johnny Duncan  
P.O. Box 723  
Amite, LA 70422

*s/ Grant J. Guillot*  
GRANT J. GUILLOT