

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

MONTIE SPIVEY

Civil Action No. 6:21-2257

versus

Judge Robert R. Summerhays

CHITIMACHA TRIBE OF LOUISIANA, Magistrate Judge Carol B Whitehurst
ET AL.

JUDGMENT

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the lack of written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that the Motion to Dismiss Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) [Doc. 16] filed by defendants the Chitimacha Tribe of Louisiana, Cypress Bayou Casino, and the Tribal Council defendants is **GRANTED IN PART**. The Motion to Dismiss for Lack of Subject Matter Jurisdiction is **GRANTED**, and all claims against all defendants are **DISMISSED WITHOUT PREJUDICE**. The Court makes no finding as to the defendants' arguments that the plaintiff's claims are time-barred or fail to state a cause of action.

THUS DONE AND SIGNED this 2nd day of February, 2022 at Lafayette,
Louisiana.



DISTRICT JUDGE