

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Devenair Fultz v. Freightvana Logistics, Inc., Nationwide Truck Line,
Inc., Target Corporation, and Fatmir Mecaj

Fultz · No. 25-1312 · Decided January 9, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana granted in part the plaintiff’s motion to continue the submission date for the defendants’ motion to dismiss, extending the date to February 18, 2026. The court noted that any dismissal based on deficient allegations would generally require an opportunity to amend under Federal Rule of Civil Procedure 15(a), unless amendment would be futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 9, 2026
DOCKET	25-1312
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an ex parte consent motion to continue the submission date for the corporate defendants' motion to dismiss.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the plaintiff's consent motion to continue the submission date for the motion to dismiss should be granted.

2. Whether the submission date should be extended to allow the parties time to address the alleged pleading deficiencies and possible amendment.

KEY QUOTATIONS

“IT IS HEREBY ORDERED that the motion (Rec. Doc. 38) is GRANTED in part by allowing an extension of the January 21, 2026 submission date of the dismissal motion to February 18, 2026.”

FACTUAL BACKGROUND

The corporate defendants challenged certain claims on the grounds that the complaint lacked sufficient factual allegations and legal support. Plaintiff sought additional time to address the dismissal motion and potentially reach an accommodation with the defendants. The court determined that a limited extension was appropriate.

PROCEDURAL HISTORY

The corporate defendants filed a motion to dismiss based on alleged deficiencies in the factual allegations and legal support for certain claims. Plaintiff moved to continue the submission date. The district court granted the motion in part, extending the submission date from January 21, 2026, to February 18, 2026.

DISPOSITION

other

CASES CITED

- Stripling v. Jordan Prod. Co., LLC, 234 F.3d 863, 872-73 (5th Cir. 2000)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA DEVENAIR FULTZ CIVIL ACTION VERSUS NO. 25-1312 FREIGHTVANA LOGISTICS, INC., SECTION “B” (2) NATIONWIDE TRUCK LINE, INC., TARGET CORPORATION, AND FATMIR MECAJ ORDER AND REASONS Considering the plaintiff’s Ex Parte Consent Motion to Continue Submission Date for Motion to Dismiss (Rec. Doc. 38), IT IS HEREBY ORDERED that the motion (Rec.

Doc. 38) is GRANTED in part by allowing an extension of the January 21, 2026 submission date of the dismissal motion to February 18, 2026. As the basis for its dismissal motion, the corporate defendants argue the absence of factual allegations and legal support for certain claims against them (Rec. Doc. 34-2). Even if continued, circuit precedent would require an opportunity for amending the complaint to resolve those deficiencies—provided that amendment would not be a futile gesture.

See Stripling v. Jordan Prod. Co., LLC, 234 F.3d 863, 872–73 (5th Cir. 2000) (noting that while Federal Rule of Civil Procedure 15(a) requires leave to amend be “freely given,” courts still have

discretion to deny a motion to amend if the amendment would be futile).

The requested limited extension should allow sufficient time for parties to parties to reach an accommodation on the dismissal motion in view of latter precedent or the entire case. New Orleans, Louisiana, this 8th day of January 2026 _____

SENIOR UNITED STATES DISTRICT JUDGE

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