

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.

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

