

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 7, 2019

Lyle W. Cayce
Clerk

No. 18-30951
Summary Calendar

SHREVEPORT CHAPTER #237 OF THE UNITED DAUGHTERS OF THE
CONFEDERACY,

Plaintiff-Appellant

v.

CADDO PARISH COMMISSION,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:17-CV-1346

Before SMITH, WIENER, and WILLETT, Circuit Judges.

WIENER, Circuit Judge.*

Plaintiff-Appellant Shreveport Chapter #237 of the United Daughters of the Confederacy (“UDC”) sued Defendant-Appellee Caddo Parish Commission (the “Commission”) formerly, the Caddo Parish Police Jury, and the seven, subsequently dismissed Parish commissioners individually, after the Commission notified the UDC that its century-old Confederate Monument would have to be removed from the Caddo Parish Courthouse Square, known

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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as Block 23, City of Shreveport. A courthouse has been maintained by Caddo Parish on the same property since at least 1860. In 1903, the UDC was given permission to erect the Confederate Monument on the Courthouse Square. Removal of that monument is the subject of this litigation.

The Parish Commission told the UDC in 2016 that the monument would have to be removed from the Courthouse Square, but did not specify the party or parties that would have to bear the cost of removal. The UDC filed the instant lawsuit claiming the perpetual right to maintain its Confederate Monument on the Courthouse Square where it had remained since it was erected more than a century earlier. The UDC first sought injunctive relief which the district court denied in January 2018. The court then addressed the Parish Commission's Motion for Summary Judgment seeking dismissal of the UDC's action at the core of which lies the question whether the Caddo Parish Commission has the authority to require removal of the Confederate Monument from the front plat or portion of the Caddo Parish Courthouse Square in the heart of downtown Shreveport.

In its exhaustive and well-reasoned Memorandum Ruling on the Commission's summary judgment motion, the district court concluded that the UDC had failed to show that there were issues of material fact sufficient to justify a trial. The court then dismissed all UDC claims with prejudice. (We note in passing that the question of which party or parties must bear the eventual cost of removing the subject monument from the Courthouse Square remains to be determined.) For essentially the same reasons and reasoning set forth by the district court in its July 25, 2018 Memorandum Ruling, we affirm its Judgment of even date, dismissing all claims of the UDC with prejudice and at its cost.

AFFIRMED.