

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

MANUEL TIJERINO

CIVIL ACTION

VERSUS

NO. 24-2290

SPOTIFY USA INC.

SECTION “B”(2)

ORDER

On September 8, 2025, this Court transferred this action to the United States District Court for the Southern District of New York. Rec. Doc. 107. However, pursuant to Local Rule 83.5.1, this Order was stayed for 21 days. Nonetheless, defendant Spotify USA Inc. (“Spotify”) filed an *ex parte* motion to expedite consideration (Rec. Doc. 109) of Spotify’s motion to vacate the Court’s Scheduling Order (Rec. Doc. 108). Plaintiff has also filed a motion for reconsideration of Order Transferring Venue (Rec. Doc. 110) and an opposition to Spotify’s motion to vacate the Scheduling Order. Rec. Doc. 111.

The Fifth Circuit believes that “[a] district court relinquishes all jurisdiction over a case when it [transfers it] to another district court.” *See, e.g., Jones v. InfoCure Corp.*, 310 F.3d 529, 533 (7th Cir. 2002); *see also In re Red Barn Motors, Inc.*, 794 F.3d 481, 484 (5th Cir. 2015). A transfer is complete when the transferee court docket the case. *Clarke v. Commodity Futures Trading Comm’n*, No. 1:22-CV-909-DAE, 2024 WL 627233 (W.D. Tex. Jan. 25, 2024) (citing *Bustos v. Dennis*, No. SA-17-CV-39, 2017 WL 1944165, at *2 (quotation omitted)). The instant motions were filed after the Court’s Order to transfer this case to the Southern District of New York. Rec. Doc. 107. Nonetheless, in that same Order, pursuant to Local Rule 83.5.1, the Court stayed the case’s transfer for 21 days. *Id.* Being that the matter is currently stayed, the Court retains jurisdiction over the instant motions. Rec. Docs. 108-110. Accordingly,

IT IS HEREBY ORDERED that Spotify’s motion for expedited consideration (Rec. Doc.

109) is **GRANTED**.

IT IS FURTHER ORDERED that Spotify's motion to vacate this Court's Scheduling Order (Rec. Doc. 108) is **DENIED**. Pursuant to the Federal Rules of Civil Procedure, "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "To show good cause, the party seeking to modify the scheduling order has the burden of showing that the deadlines cannot reasonably be met despite the diligence of the party needing the extension." *Squyres v. Heico Cos., L.L.C.*, 782 F.3d 224, 237 (5th Cir. 2015) (internal quotation omitted). Accordingly, after careful consideration of Spotify's motion, the plaintiff Tijerino's response in opposition (Rec. Doc. 111), and the imminent transfer of the case to the Southern District of New York,

IT IS FURTHER ORDERED that the current Scheduling Order (Rec. Doc. 22) is **STAYED**. In acknowledgment of the transferee court's schedule and its Local Patent Rules, the current Scheduling Order shall be **stayed**, deferring future deadlines to the transferee court.

Regarding Tijerino's motion for reconsideration of Order Transferring Venue (Rec. Doc. 110), under Rule 59(e), a court looks to three grounds for reconsideration: (1) an intervening change in the controlling law, (2) newly discovered evidence, or (3) manifest error of law or fact. *Barrington v. BP Expl. & Prod., Inc.*, No. CV 17-3632, 2023 wl 3021505 (E.D. La. Apr. 20, 2023) (Fallon, J.). Motions to alter or amend are not meant to "re-litigate prior matters that ... simply have been resolved to the movant's dissatisfaction." *Id.* (citing *S. Snow Co., Inc. v. SnowWizardHoldings, Inc.*, 921 F. Supp. 2d 548, 566 (E.D. La. 2013) (Brown, J.); *Jena Band of Choctaw Indians v. Tri-Millennium Corp., Inc.*, 2006 WL 51130, *1 (W.D. La. Jan. 2006)). Accordingly,

IT IS FURTHER ORDERED that plaintiff’s motion for reconsideration (Rec. Doc. 110) is **DENIED**. In plaintiff’s filing, he states, “[w]hile he respects the Court’s reasoning in transferring venue, Plaintiff submits that **unresolved matters remain** that, if left unaddressed, will prejudice him going forward.” Rec. Doc. 110 at 1. In furtherance of his request for action by this Court, the plaintiff alleges the following as unresolved: defendant’s requests for sanctions, alleged misstatements in defendant’s previous filings, defendant’s “refusal to coordinate” in filings, and the defendant’s most recent filings (Rec. Docs. 108 and 109). (Rec. Doc. 110 at 2). The plaintiff is not asking for reconsideration but raising grievances about matters that are moot. The Court is unpersuaded by plaintiff’s arguments and finds that it properly weighed the evidence in its venue determination and order to transfer. Rec. Doc. 107.

New Orleans, Louisiana, this 16th day of September, 2025



SENIOR UNITED STATES DISTRICT JUDGE