

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

**ANTHONY JOHNSON,  
Plaintiff**

**CIVIL ACTION**

**VERSUS**

**No. 10-3444**

**BOGALUSA CITY, et al.,  
Defendants**

**SECTION "E"**

**ORDER**


Before the Court is Defendants' motion for summary judgment, which Plaintiff opposes.<sup>1</sup> The motion is **DENIED**. At a minimum, there is a genuine issue of material fact whether Defendants maintained an unconstitutional policy, through a policy itself or by a failure to train, of evaluating the credibility of witnesses as part of their decision whether to disclose witnesses' statements under *Brady v. Maryland*, 373 U.S. 83 (1963). A jury could conclude that "policymakers [were] on actual or constructive notice that a particular omission in their training program cause[d]" Defendants "to violate citizens' constitutional rights," *Connick v. Thompson*, 131 S. Ct. 1350, 1360 (2011), because the Fifth Circuit had explicitly rejected this dubious practice more than six months before Plaintiff's trial, *Lindsey v. King*, 769 F.2d 1034, 1040 (5th Cir. 1985), yet Defendants persisted in their unconstitutional conduct through trial (and for many years afterwards). This is but one example of several ways a jury could find in Plaintiff's favor.

**IT IS SO ORDERED.**

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<sup>1</sup> R. Docs. Nos. 162, 175.

**New Orleans, Louisiana, this 21st day of August, 2013.**

  
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**SUSIE MORGAN**  
**UNITED STATES DISTRICT JUDGE**