UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ALANA CAIN, ET AL.	CIVIL ACTION
VERSUS	NO. 15-4479
CITY OF NEW ORLEANS, ET AL.	SECTION: R(2)

ORDER AND REASONS

Named plaintiffs Alana Cain, Ashton Brown, Reynaud Variste, Reynajia Variste, Thaddeus Long, and Vanessa Maxwell filed this civil rights action under 42 U.S.C. § 1983 seeking to declare the manner in which the Orleans Parish Criminal District Court collects post-judgment court costs from indigent debtors unconstitutional. According to plaintiffs, the Criminal District Court and other, related actors, maintain a policy of jailing criminal defendants who fail to pay their court costs solely because of their indigence.[1]

The "judicial defendants" now ask the Court to dismiss plaintiffs' Due Process claims for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).[2] Defendants argue that their imposition of court costs on state-court criminal defendants does not violate the Due Process Clause

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[1] *See generally* R. Doc. 7 (Plaintiffs' First Amended Class Action Complaint).

[2] R. Doc. 108. The "judicial defendants" are the Orleans Parish Criminal District Court, its thirteen judges, and the judicial administrator.

because plaintiffs did not allege that any of the Criminal District Court judges was "tempted to forget the burden of proof" required for conviction during the named plaintiffs' substantive criminal prosecutions.

As the Court has observed, plaintiffs do not complain about defendants' *imposing* court costs as part of the sentences for state-court criminal defendants.[3] Plaintiffs challenge the manner in which defendants *collect* court costs, after the costs are validly imposed, from indigent defendants who fail to pay. Thus, defendants' arguments—that the judges' ability to assess court costs against convicted defendants does not unconstitutionally infringe upon the fairness of the defendants' prosecutions—miss the point, which defendants concede in their reply brief.[4] Accordingly, the Court DENIES the motion.

New Orleans, Louisiana, this __11th__ day of May, 2016.

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SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

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3 *See generally* R. Doc. 109; R. Doc. 111; R. Doc. 119.

4 R. Doc. 118 at 2 n.2.