

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

STEPHEN SMITH

CIVIL ACTION NO. 10-1000

VERSUS

JUDGE HAIK

JEFF MAHLER, ET AL

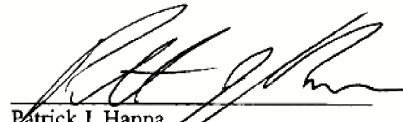
MAGISTRATE JUDGE HANNA

RULE 7(a) HEIGHTENED PLEADING REVIEW

In this §1983 civil rights suit, plaintiff has sued defendants the Marshals Office City of Lafayette and Jeff Mahler in their official and individual capacities. In his answer, defendant Jeff Mahler plead qualified immunity. The undersigned has therefore conducted an evaluation of plaintiff’s complaint to determine whether it meets the applicable heightened pleading requirement. *See* Schultea v. Wood, 47 F.3d 1427, (5th Cir. 1995); Baker v. Putnal, 75 F.3d 190, 195 (5th Cir. 1996).

After review, the undersigned concludes plaintiff has “supported [his] claims with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendant’s conduct at the time of the alleged acts.” Schultea, 47 F.3d at 1434. Although the court may later determine the facts in favor of defendants, the sole issue presented here is whether plaintiff has satisfied the heightened pleading requirement of Schultea, which the undersigned concludes he has. Thus, no order limiting discovery under Schultea is appropriate.

Signed at Lafayette, Louisiana on this 24th day of September, 2010.

A handwritten signature in black ink, appearing to read 'Patrick J. Hanna', written over a horizontal line.

Patrick J. Hanna
United States Magistrate Judge
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