

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

**MICHAEL JAMES BENOIT**

**CIVIL ACTION NO. 10-1110**

**VERSUS**

**MAGISTRATE JUDGE HANNA**

**MICHAEL W. NEUSTROM, ET AL**

**BY CONSENT OF THE PARTIES**

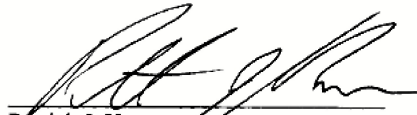
***RULE 7(a) HEIGHTENED PLEADING REVIEW***

In this §1983 civil rights suit, plaintiff has sued defendants Michael Neustrom, Sheriff of Lafayette Parish and Rob Reardon, Warden of the Lafayette Parish Correctional Center, in their official and individual capacities. In their answers, defendants 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 Schulte v. Wood*, 47 F.3d 1427 (5<sup>th</sup> Cir. 1995); *Baker v. Putnal*, 75 F.3d 190, 195 (5<sup>th</sup> 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 defendants' conduct at the time of the alleged acts." *Schulte*, 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

Shultea, which the undersigned concludes he has. Thus, no order limiting discovery under Schultea is appropriate.

Signed at Lafayette, Louisiana on this 10<sup>th</sup> day of January, 2010.



Patrick J. Hanna  
United States Magistrate Judge  
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