

B u r r l e v . M a h l e r e t a l D o

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JARRELL BURRLE

CIVIL ACTION NO. 10-1716

VERSUS

JUDGE DOHERTY

SONNY STUTES, ET AL

MAGISTRATE JUDGE HANNA

RULE 7(a) HEIGHTENED PLEADING REVIEW

In this §1983 civil rights suit, plaintiff has sued defendants in their official and individual capacities. In their answers, defendants plead qualified immunity. The undersigned has therefore conducted an evaluation of plaintiffs 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 plaintiffs have “supported [their] 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.” 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 plaintiffs have satisfied the heightened pleading requirement of Schultea, which the undersigned concludes they have. Thus, no order limiting discovery under Schultea is appropriate.

Signed at Lafayette, Louisiana on this 19th day of May, 2011.

