

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

BRANDON SCOTT LAVERGNE
#424229
VS.

CIVIL ACTION NO. 6:13-cv-2121

SECTION P

JUDGE RICHARD T. HAIK, SR.

LAINCY VASSEUR MARTINEZ

MAGISTRATE JUDGE HILL

ORDER

Before the Court is the Motion for Rehearing [rec. doc. 26] filed by *pro se* plaintiff, Brandon Scott Lavergne ("Lavergne"). By this Motion, Lavergne requests that this Court reconsider its prior denial of his Motion for Temporary Restraining Order and Preliminary Injunction. [rec. doc. 25]. Lavergne argues that for over a year he served his former wife, Laincy Vasseur Martinez, at her address without incident, and that her mother, Jessica Vasseur, was the one who complained about him mailing legal correspondence to Laincy. Lavergne additionally states, that at his disciplinary hearing, he was instructed in the future to utilize a third party process server to serve Laincy with court documents. He apparently disagrees with this instruction and argues that he should not be prohibited from sending legal correspondence to Laincy, through service by his father, James Lavergne, as this prohibition is in violation of his Fourteenth Amendment rights.

Neither of these arguments warrant reconsideration of this Court's prior ruling. For the reasons previously stated, Lavergne has failed to satisfy his burden for issuance of a temporary restraining order or a preliminary injunction. Furthermore, Lavergne's

attempt to recast his claim as arising under the Fourteenth Amendment does not change this Court's ruling. As noted by the Eight Circuit in *Berdella v. Delo*, 972 F.2d 204, 210 and fn. 9 (8th Cir. 1992), to the extent that Lavergne's claim may stem from the Fourteenth Amendment right to due process or equal protection, in the absence of prejudice to his action against Laincy as a result of his claimed interference with his ability to serve court documents, the claim is nevertheless without merit. For the above reasons;

The plaintiff's Motion for Rehearing [rec. doc. 26] is **denied**.

In Chambers, Lafayette, Louisiana October 16, 2014.



C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE