

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

KE'VON TRAMAR LOSTON

CIVIL ACTION NO. 6:16-0964

VERSUS

JUDGE DOHERTY

**ST. MARY PARISH SHERIFF'S
OFFICE, ET AL.**

MAGISTRATE JUDGE HANNA

RULE 7(a) HEIGHTENED PLEADING REVIEW

In this §1983 civil rights suit, plaintiff has sued the St. Mary Parish Sheriff Deputies Sennett Wiggins and Beau Martin in their official and individual capacities. In their answer, these 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 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 that the 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.” *Schultea*, 47 F.3d at 1434. Plaintiff alleges that Deputies Wiggins and Martin violated plaintiff's Constitutional right to be free from unreasonable seizure when they arrested and detained him for theft of an ATV 4-wheeler, without having any

objective evidence to directly implicate him in the crime. Although the court may later determine the facts in favor of these 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 9th day of December 2016.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE