

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

CHRISTOPHER DUGAS, ET AL.

CIVIL ACTION NO. 6:17-cv-00337

VERSUS

JUDGE DONALD E. WALTER

CITY OF VILLE PLATTE, ET AL.

MAGISTRATE JUDGE HANNA

**JUDGMENT**

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and consideration of objections filed [Docs. ## 88, 89, 91, 92], this Court concludes that the Magistrate Judge's report and recommendation [Doc. #87] is correct and adopts the findings and conclusions therein as its own. Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED**, consistent with the report and recommendation, that

(a) to the extent the motion to dismiss, which was filed by the City of Ville Platte and Ville Platte Police Chief Neal Lartigue [Doc. #26], and the motion to dismiss, which was filed by the Evangeline Parish Sheriff's Office and Sheriff Eddie Soileau [Doc. #40], seek dismissal or amendment of the complaint pursuant to Fed. R. Civ. P. 12(e), the motions are **DENIED**;

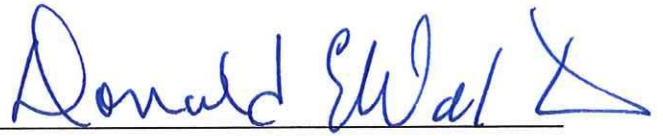
(b) to the extent the motion to dismiss filed by the City of Ville Platte and Ville Platte Chief of Police Neal Lartigue [Doc. #26] seeks the dismissal of the

complaint pursuant to Fed. R. Civ. P. 12(b)(6), the motion is **GRANTED**; the plaintiffs' claims against the city and the police chief are **DISMISSED WITH PREJUDICE** because all of the claims asserted in the complaint against the city and the police chief have prescribed;

(c) the plaintiffs are **GRANTED** leave of court to file an amended complaint to add at least one plaintiff who was arrested by the Ville Platte Police Department on an "investigative hold" less than one year before this suit was filed and to clarify the allegations regarding the defendants' admissions of their allegedly unconstitutional practices; and

(d) the motion to dismiss that was filed by the Evangeline Parish Sheriff's Office and Sheriff Eddie Soileau [Doc. #40] is **GRANTED** with regard to the claims asserted by plaintiffs Christopher Dugas, Timothy Johnson, and Sharonna Tezeno because those claims have prescribed, and said claims are **DISMISSED WITH PREJUDICE**; but, with regard to the claims asserted by Nichole Fontenot, the motion is **DENIED** without prejudice to the defendants' right to reassert the motion should additional factual discovery reveal that her claim is prescribed, and plaintiff Fontenot **shall** amend her complaint to allege the precise date on which she was arrested by a defendant without probable cause and the precise date on which she was released from custody.

Signed at Shreveport, Louisiana, on this 19<sup>th</sup> day of December, 2017.

A handwritten signature in blue ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE