

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

BLAIR IMANI, ET AL.

CIVIL ACTION

VERSUS

NO. 17-439-JWD-EWD

CITY OF BATON ROUGE, ET AL.

ORDER

This matter comes before the Court on the *Motion to Dismiss by Michael Edmonson* (Doc. 75). Plaintiffs oppose the motion. (Doc. 99). No reply was filed. Oral argument was heard today. The Court has carefully considered the law, the facts in the record, and the arguments and submissions of the party and is prepared to rule. For oral reasons to be assigned,

IT IS ORDERED that the motion is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** in that (a) the claims against Edmonson in his individual capacity (other than failure to intervene) are **DISMISSED IN PART** for lack of personal participation, and (b) the claims for conspiracy under federal and state law are **DISMISSED**, as Plaintiffs have failed to adequately allege the place or circumstances of Edmonson agreeing with the upper-level Defendants to deprive Plaintiffs of their constitutional rights. In all other respects, the motion is **DENIED**. Specifically: (a) Plaintiffs have stated a claim against Edmonson in his individual capacity for implementing policies that resulted in constitutional violations, (b) Plaintiffs have stated a viable claim for failure to intervene, and (c) Plaintiffs have stated cognizable state law claims. To the extent the motion is granted, Plaintiffs are given leave to amend their complaint to cure the deficiencies. Plaintiffs must file their next amended complaint within thirty (30) days of the completion of the limited discovery set forth in other rulings issued today.

a suit against the LSP is barred by the Eleventh Amendment. The motion is **DENIED** in that the claims against Reeves in his official capacity for prospective, injunctive and declaratory relief satisfy the *Ex parte Young* exception to Eleventh Amendment immunity. Further, *Pennhurst* does not apply because, among other reasons, Plaintiffs are basing their claims on violations of federal law. Lastly, these claims are not barred by federalism concerns.

Signed in Baton Rouge, Louisiana, on September 7, 2018.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA