

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 *FRCP 12(b)(6) Motion to Dismiss by Certain LSP Troopers* (Doc. 79). Plaintiffs oppose the motion. (Doc. 98). 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, DENIED IN PART**, and **DEFERRED IN PART**.

IT IS FURTHER ORDERED that, with respect to the Section 1983 claims and their analogous state law claims, the motion is **GRANTED** in that Plaintiffs have failed to state a viable claim against these defendants for unlawful search and seizure and excessive force, so these claims are **DISMISSED**. The motion is **DEFERRED** in that Plaintiffs may have stated a cognizable claim against these defendants for the other constitutional violations (First Amendment, retaliation, false arrest, and failure to intervene) and have potentially overcome qualified immunity. However, the Court cannot determine whether these particular defendants are liable for the Plaintiffs' constitutional violations. Accordingly, the Court will allow limited written discovery on the identities of the officers involved in making the arrests. The Magistrate Judge will determine what limited discovery will be allowed for this issue.

IT IS FURTHER ORDERED that, with respect to Plaintiffs' federal and state conspiracy claims, the motion is **GRANTED**. Plaintiffs have failed to adequately plead where the agreement was formed and the circumstances surrounding it. Additionally, with respect to the § 1985(3) claim, Plaintiffs should, in the next iteration of their complaint, strengthen their allegations of racial animus.

IT IS FURTHER ORDERED that, 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 above.

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



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