

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

TAYLA GREENE  
as Administrator of the Estate of the  
decedent RONALD GREENE

CIVIL ACTION NO: 20-cv-0578

VERSUS

JUDGE TERRY A. DOUGHTY

TROOPER DAKOTA DEMOSS, ET AL.

MAGISTRATE JUDGE KAREN L. HAYES

---

**MOTION TO DISMISS**

Defendant, Kevin Reeves (“Reeves”), moves for dismissal pursuant to FED. R. CIV. P. 12(b)(6) on grounds that Plaintiff’s First Amended Complaint fails to state a claim against him upon which relief may be granted. Plaintiff’s allegations against Reeves are contained in Count III of the First Amended Complaint, wherein it is alleged that Reeves conspired to conceal constitutional violations allegedly committed by others and that Reeves did so with the intent to deny Plaintiff access to the courts. Yet the First Amended Complaint fails to identify any alleged impediment to the pursuit of Plaintiff’s claims, and litigation is, in fact, ongoing. Consequently, the First Amended Complaint fails to state facts sufficient to supporting an element essential to Plaintiff’s claim against Reeves.

**WHEREFORE**, Reeves prays that this Motion to Dismiss be granted, and that all of Plaintiff’s claims against him be dismissed without prejudice, and at Plaintiff’s sole cost and expense, and subject to an attorney fee award in favor of Reeves under 42 U.S.C. § 1988, and for

all general and equitable relief, etc.

Respectfully Submitted,  
JEFF LANDRY  
Attorney General  
BY: /s/Jennie P. Pellegrin  
JENNIE P. PELLEGRIN  
La. Bar Roll No. 25207  
[jpellegrin@neunerpate.com](mailto:jpellegrin@neunerpate.com)  
BEN L. MAYEAUX  
La. Bar Roll No. 19042  
[bmayeaux@neunerpate.com](mailto:bmayeaux@neunerpate.com)  
ELIZABETH BAILLY BLOCH  
La. Bar Roll No. 37591  
[bbloch@neunerpate.com](mailto:bbloch@neunerpate.com)  
NEUNERPATE  
One Petroleum Center, Suite 200  
1001 West Pinhook Road (zip 70503)  
Post Office Drawer 52828  
Lafayette, LA 70505-2828  
TELEPHONE: (337) 237-7000 FAX: (337) 233-9450  
*Special Assistants Attorneys General and Counsel  
for Kevin Reeves*

**CERTIFICATE OF SERVICE**

I do hereby certify that a copy of the foregoing Motion to Dismiss was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be forwarded to all counsel by operation of the Court's electronic filing system.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

TAYLA GREENE  
as Administrator of the Estate of the  
decedent RONALD GREENE

CIVIL ACTION NO: 20-cv-0578

VERSUS

JUDGE TERRY A. DOUGHTY

TROOPER DAKOTA DEMOSS, ET AL.

MAGISTRATE JUDGE KAREN L. HAYES

---

**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

MAY IT PLEASE THE COURT:

Plaintiff added Kevin Reeves (“Reeves”) as a defendant to this action through the First Amended Complaint. Reeves is alleged to have conspired with co-defendants and others to conceal constitutional violations allegedly committed by law enforcement officers following a traffic stop with the intent to deny Plaintiff access to the courts.<sup>1</sup>

Whether the First Amended Complaint states a cause of action for purposes of Section 1983 denial-of-access already has been briefed thoroughly for the court by co-defendants.<sup>2</sup> In the interest of efficiency, Reeves adopts and incorporates by reference the substance of the briefs and arguments found at Rec. Docs. 30, 31, 42 and 43 as if contained herein *in extenso*. Moreover, for the same reasons identified by Magistrate Judge Hayes in the Report and Recommendation previously addressing Plaintiff’s denial-of-access claims against various other defendants, Reeves

---

<sup>1</sup> Rec. Doc. 25 – First Amended Complaint, Count III, p. 13.

<sup>2</sup> See Rec. Docs. 30 and 43 – Supplemental Motion to Dismiss and Reply on behalf of York, Clary, McElroy and Peters; and Rec. Docs. 31 and 42 – Supplemental Motion to Dismiss and Reply on behalf of Demoss.

proposes that these claims against him and all defendants should be dismissed.<sup>3</sup>

**WHEREFORE**, Reeves prays that his Motion to Dismiss be granted, and that all of Plaintiff's claims against him be dismissed without prejudice, and at Plaintiff's sole cost and expense, and subject to an attorney fee award in favor of Reeves under 42 U.S.C. § 1988, and for all general and equitable relief, etc.

Respectfully Submitted,  
JEFF LANDRY  
Attorney General  
BY: /s/Jennie P. Pellegrin  
JENNIE P. PELLEGRIN  
La. Bar Roll No. 25207  
[jpellegrin@neunerpate.com](mailto:jpellegrin@neunerpate.com)  
BEN L. MAYEAUX  
La. Bar Roll No. 19042  
[bmayeaux@neunerpate.com](mailto:bmayeaux@neunerpate.com)  
ELIZABETH BAILLY BLOCH  
La. Bar Roll No. 37591  
[bbloch@neunerpate.com](mailto:bbloch@neunerpate.com)  
NEUNERPATE  
One Petroleum Center, Suite 200  
1001 West Pinhook Road (zip 70503)  
Post Office Drawer 52828  
Lafayette, LA 70505-2828  
TELEPHONE: (337) 237-7000 FAX: (337) 233-9450  
*Special Assistants Attorneys General and Counsel  
for Kevin Reeves*

**CERTIFICATE OF SERVICE**

I do hereby certify that a copy of the foregoing Memorandum in Support of Motion to Dismiss was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be forwarded to all counsel by operation of the Court's electronic filing system.

---

<sup>3</sup> Rec. Doc. 46 – Report and Recommendation, p. 19.