UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

NIA MILLS — CIVIL ACTION

VERSUS

WILLIAM ALLEN CONNELLY, ET AL. — NO. 22-00193-BAJ-EWD

RULING AND ORDER

This is a civil rights case. Plaintiff Nia Mills sued the West Baton Rouge Sheriff's Office (WBRSO) and several individual Defendants for alleged violations of state and federal law committed during a traffic stop in March 2021. Among Plaintiff's claims is a challenge under 42 U.S.C. § 1983 for Defendant William Allen Connelly and numerous Doe Defendants' allegedly unconstitutional seizure of cash, for which Plaintiff sought injunctive, declaratory, and monetary relief. In August 2024, the Court issued a ruling on Defendants Connelly, Mike Cazes, and John Gaudet's **Partial Motion to Dismiss for Lack of Subject matter Jurisdiction Pursuant to Fed. R. Civ. P. 12(b)(1) and Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6), or alternatively, Motion to Stay Proceedings (Doc. 136, the "Motion to Dismiss")**, which, in relevant part, dismissed Plaintiff's request for injunctive and declaratory relief but stayed the civil forfeiture issue in so far as it sought monetary relief because forfeiture proceedings were ongoing in Louisiana state court. (*See* Doc. 185). That forfeiture proceeding has since been resolved, (*see* Doc. 173 at 36 n.129), and therefore now before the Court is the above-named

Defendants' **Motion To Lift Stay Of Count Nine Of Plaintiff's First Amended Complaint (Doc. 188, the "Motion to Lift Stay")**, which asks the Court to lift the stay of the forfeiture claim and grant the Motion to Dismiss. For the reasons that follow, the stay will be lifted and the Motion to Dismiss will be denied.

I. BACKGROUND

The following allegations are accepted as true for present purposes:

On March 26, 2021, Plaintiff and her partner, Cory Catchings, drove from Mississippi toward Texas. (Doc. 130 ¶ 7). While driving through Louisiana, Plaintiff was subject to a traffic stop conducted by Connelly. (*Id.* ¶ 32). During the traffic stop, Catchings was arrested, and around $3,500 in cash was seized from him. (*Id.* ¶ 75). Catchings ultimately pled guilty to charges brought following the arrest. (*Id.* ¶ 145).

Plaintiff was brought back to the WBRSO Narcotics Office, where her belongings and electronics were searched. (*Id.* ¶¶ 96–129). The State of Louisiana initiated forfeiture proceedings against the seized money, serving both Plaintiff and Catchings with notice of the pending forfeiture. (Doc. 130 ¶ 134). Recently, Plaintiff and Catchings settled the forfeiture matter in state court, receiving $1,310 as part of the settlement. (*See* Doc. 188 at 3).

Plaintiff filed this suit on March 22, 2022, alleging that she was subject to an unnecessarily "prolonged detention and invasive searches, among other abuses and violations of the federal and Louisiana constitutions" related to the traffic stop. (Doc. 1 ¶ 2). In November 2023, with the Court's leave, Plaintiff filed a First Amended Complaint (FAC). (Doc. 130). Relevant here, Count Nine of the FAC is a claim against

Connelly and the Doe Defendants under 42 U.S.C. § 1983, challenging the seizure of cash as unconstitutional. As explained above, only Count Nine's request for monetary damages survives, and this was stayed pending resolution of the forfeiture proceeding. (*See* Doc. 185). Defendants now seek to lift the stay, (Doc. 188), and dismiss the claim for monetary relief, (Doc. 136). The Motion to Dismiss is opposed. (Doc. 154).

II. LEGAL STANDARD

Defendants invoke dismissal under Federal Rules of Civil Procedure 12(b)(1) and Rule 12(b)(6). The analysis under both Rules is functionally the same. The critical issue is whether the complaint contains "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)); *accord Home Builders Ass'n of Mississippi, Inc. v. City of Madison, Miss.*, 143 F.3d 1006, 1010 (5th Cir. 1998) ("A motion under 12(b)(1) should be granted only if it appears certain that the plaintiff cannot prove any set of facts in support of his claim that would entitle him to relief.").

"Determining whether a complaint states a plausible claim for relief [is] . . . a context-specific task that requires the reviewing court to draw on its judicial experience and common sense." *Ashcroft*, 556 U.S. at 679. Facial plausibility exists "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* at 678. Hence, the complaint need not set out "detailed factual allegations," but something "more

than labels and conclusions, and a formulaic recitation of the elements of a cause of action" is required. *Twombly*, 550 U.S. at 555. When conducting its inquiry, the Court accepts all well-pleaded facts as true and views those facts in the light most favorable to the plaintiff. *Bustos v. Martini Club Inc.*, 599 F.3d 458, 461 (5th Cir. 2010).

III. DISCUSSION

Defendants challenge Plaintiff's claim of unconstitutional seizure, arguing that Plaintiff has failed to adequately allege Connelly's involvement in the seizure; that Plaintiff only possibly has a claim to a portion of the money; and that the money was lawfully seized incident to a lawful arrest. Additionally, now that the state forfeiture proceeding has been resolved, Defendants argue in their Reply in support of their Motion for Summary Judgment that the claim is barred by the principle of *res judicata*, under which a final judgment on the merits of an action precludes a party from relitigating issues that the final judgment resolved. (Doc. 181 at 4–6).

a. Res Judicata

First the Court addresses Defendants' newest argument—that Plaintiff's claim is now precluded by *res judicata* because the state forfeiture proceeding has been resolved. This argument was raised in the context of Defendants' Motion for Summary Judgment (Doc. 168) but appears to be offered as a supplement to the arguments raised in Defendants' Motion to Dismiss (Doc. 136), which was filed before the resolution of the state forfeiture proceeding. (*See* Doc. 181 at 5 (describing *res judicata* as "yet another reason to dismiss Plaintiff's claim")). Neither party has briefed the propriety or exact procedural posture of Defendants' *res judicata*

arguments. "Although *res judicata* generally cannot be raised in a motion to dismiss and should instead be pleaded as an affirmative defense, dismissal under Rule 12(b)(6) is appropriate if the *res judicata* bar is apparent from the complaint and judicially noticed facts and the plaintiff fails to challenge the defendant's failure to plead it as an affirmative defense." *Anderson v. Wells Fargo Bank, N.A.*, 953 F.3d 311, 314 (5th Cir. 2020) (quotation omitted). Because the question of *res judicata* has only arisen after Defendants filed their Motion to Dismiss, the Court will address the issue here using the standard applicable under Rule 12(b)(6). As explained below, the Court finds that the *res judicata* bar is not "apparent" from the complaint or the judicially noticed fact that the forfeiture proceeding has concluded with a settlement. *Anderson*, 953 F.3d at 314.

The U.S. Court of Appeals for the Fifth Circuit has held that "[a] state court judgment commands the same res judicata effect from the federal court as it would have had in the court that rendered it, without regard to whether the state court applied state or federal law." *Rollins v. Dwyer*, 666 F.2d 141, 144 (5th Cir. 1982); 28 U.S.C. § 1738; *Sider v. Valley Line*, 857 F.2d 1043, 1046 (5th Cir. 1988). Therefore, in order to determine the effect of the Louisiana state court proceedings on the present suit, the Court must apply Louisiana's res judicata principles. *Allied Van Lines, Inc. v. Fairfield Insurance Co.*, 591 F. Supp.2d 852 (E.D. La. 2008); *Gladney v. American Heritage Life Insurance Co.*, 80 F.Supp.2d (W.D. La. 1999).

Civil law *res judicata*, as set out in La. Rev. Stat. Ann. 13:4231, applies only to issues raised for decision by the parties and actually decided by the court. *Watts v.*

Graves, 720 F.2d 1416, 1421 (5th Cir.1983); *Williams v. Divittoria,* 760 F.Supp. 564, 567 (E.D. La. 1991). Additionally, the doctrine of *res judicata* applies only when the subsequent action is: 1) between the same parties, 2) based on the same cause of action, and 3) the thing demanded (relief) is the same. *See Hugel v. Se. Louisiana Flood Prot. Auth.-E.*, No. CV 09-4215, 2010 WL 11566397, at *3 (E.D. La. Mar. 31, 2010).

Here, where Mills and her partner reached a settlement agreement in state court and the constitutional issues were not decided by the state court, *res judicata* does not apply to her § 1983 claim for unlawful seizure against Connelly and Doe Defendants. No court has decided whether Connelly's actions were constitutionally valid or whether there was probable cause for the seizure, and none of the Defendants here were involved in the forfeiture proceeding in state court, which was brought by the parish district attorney. *See Craig v. St. Martin Par. Sheriff*, 861 F. Supp. 1290, 1303 (W.D. La. 1994) (finding that *res judicata* did not bar § 1983 claim for unconstitutional seizure following *completed* forfeiture proceeding in state court because the forfeiture proceeding "did not adjudicate Craig's § 1983 claims"). Furthermore, the suits involve different causes of action: the forfeiture suit sought a determination that probable cause to seize the money existed, while the present suit seeks redress under § 1983 for the alleged violation of Plaintiff's constitutional rights. *See e.g., Mitchell v. Bertolla,* 340 So.2d 287 (La. 1976) (holding that suit to rescind lease for fraud held not the same cause of action as, and therefore not barred, by prior suit under same lease for nonpayment of rent); *Watts v. Graves,* 720 F.2d 1416, 1421–

22 (5th Cir. 1983) (holding guilty plea to state drug charge did not bar a subsequent § 1983 suit challenging the legality of the search which recovered the drugs). In sum, because the state forfeiture proceeding was not between the same parties, based on the same cause of action, and did not involve the same relief, it is not "apparent" that *res judicata* applies here. *Anderson*, 953 F.3d at 314.

b. Connelly's Involvement

In their motion, Defendants insist that Plaintiff cannot bring an individual capacity suit against Defendant Connelly because she has "not alleged Connelly personally seized those funds *or* that he arrested Catchings." (Doc. 136-1 at 12).

To properly allege an individual capacity § 1983 violation, a claimant must "establish that the defendant was either personally involved in the deprivation or that his wrongful actions were causally connected to the deprivation." *Jones v. Lowndes Cnty., Miss.*, 678 F.3d 344, 349 (5th Cir. 2012) (quoting *James v. Tex. Collin Cnty.*, 535 F.3d 365, 373 (5th Cir. 2008)).

Here, the Court finds that Plaintiff has plausibly alleged that Connelly's actions were at least causally connected to the alleged deprivation of her rights. Plaintiff has alleged that Connelly was intimately involved in the events given rise to her lawsuit, from conducting the traffic stop and arresting her, (Doc. 130 ¶¶ 30–55), to searching her belongings hours later at the WBRSO Office, (*id.* ¶¶ 104–129). In fact, Connelly is the person primarily responsible for the litany of constitutional violations Plaintiff allegedly suffered throughout the day. He is, in essence, the but-for cause of Plaintiff's alleged harm. Tied to this, Plaintiff has alleged that money

belonging to her was seized during the events of that day and placed in a state forfeiture proceeding. She has further alleged that Defendants seized the cash without "probable cause to believe that the [money] was subject to seizure and forfeiture" under Louisiana law. (Doc. 130 ¶ 262). These allegations, taken together, "allow[] the court to draw the reasonable inference that . . . [Connelly] is liable for the misconduct alleged." *Ashcroft*, 556 U.S. at 678.

Additionally, Defendants attach "[p]ortions" of the state forfeiture proceeding to their Motion to Dismiss, (Doc. 136-2), but fail to attach the Notice of Pending Forfeiture, which was signed by Plaintiff, which is referenced throughout the documents attached to the Motion to Dismiss, and which *Connelly himself also signed*. (*See* Doc. 154-2 at 2, 6 ("I, Allen Connelly, of the [WBRSO] Criminal Patrol Division, did serve the Notice of Pending Forfeiture . . . by serving Nia Mills . . . in person.").[1] In other words, it is clear from the complete record, which Defendants strategically did not include in their attached evidence, that Connelly was responsible at least in some way for the institution of a forfeiture proceeding against Plaintiff, regardless of whether the proceeding was ultimately brought by the parish district attorney or not. Indeed, it is hard to imagine how Connelly could have been *more* "personally involved" in the alleged constitutional violation, apart from litigating the proceedings himself in state court. *Jones*, 678 F.3d at 349.

[1] When ruling on a 12(b)(6) motion to dismiss, a court may rely on the complaint, its proper attachments, "documents incorporated into the complaint by reference, and matters of which a court may take judicial notice, such as public records." *Dorsey v. Portfolio Equities, Inc.*, 540 F.3d 333, 338 (5th Cir. 2008).

For these reasons, the Court finds that Plaintiff has plausibly alleged Connelly's personal involvement in the seizure of her funds.

c. Plaintiff's Claim to a Portion of the Cash

Defendants allege that some of the seized money belonged to Catchings and therefore Plaintiff does not have standing to challenge the seizure of at least some of the funds. (Doc. 136-1 at 12–13). There are several problems with Defendants' argument at this stage. First, in support of their argument Defendants cite to an affidavit submitted by Catchings in the state forfeiture proceedings. (*Id.* at 12). But Defendants themselves have cited to case law demonstrating that at this stage, the Court cannot rely on an affidavit submitted in an entirely unrelated proceeding. (*See* Doc. 157 at 2 (citing *Dorsey v. Portfolio Equities, Inc.*, 540 F.3d 333, 338 (5th Cir. 2008) (describing that when ruling on a 12(b)(6) motion to dismiss, a court may rely on the complaint, its proper attachments, "documents incorporated into the complaint by reference, and matters of which a court may take judicial notice, such as public records")))). This alone dooms Defendants' argument. Second, Defendants do not cite to any authority that precludes a Fourth Amendment claim if the plaintiff does not own the entirety of the seized property. In fact, jurisprudence suggests exactly the opposite: any incident that involves "some *meaningful* interference with an individual's *possessory interests* in . . . property" can implicate the Fourth Amendment. *United States v. McRae*, 702 F.3d 806, 832 (5th Cir. 2012) (citation omitted). At this stage, Plaintiff has adequately alleged a possessory interest in the

cash seized. Defendants can challenge the exact amount belonging to Plaintiff at summary judgment or trial.

d. Lawfully Seized

Defendants lastly contend that Count Nine should be dismissed because the funds were seized incident to a lawful arrest, meaning there is no legitimate claim to injury. (Doc. 136-1 at p. 11). But at this stage, where the Court takes well-pleaded allegations as true, Plaintiff's FAC adequately states a claim for unlawful seizure. Plaintiff alleges that no marijuana was present in her vehicle and therefore that Connelly and the Doe Defendants had no probable cause to seize the cash. The law is clear on this point: no probable cause, no lawful seizure. *Payton v. New York*, 445 U.S. 573, 586–87 (1980). Taking all well-pleaded allegations as true, Plaintiff has adequately alleged an unlawful seizure.

IV. CONCLUSION

Accordingly,

IT IS ORDERED that Defendants William Connelly, Sheriff Mike Cazes, and John Gaudet's **Motion to Lift Stay of Count Nine of Plaintiff's First Amended Complain (Doc. 188)** be and is hereby **GRANTED**, and the stay of Count Nine entered on August 21, 2024, be and is hereby **VACATED**.

IT IS FURTHER ORDERED that the same Defendants' **Partial Motion to Dismiss for Lack of Subject matter Jurisdiction Pursuant to Fed. R. Civ. P. 12(b)(1) and Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6), or**

alternatively, Motion to Stay Proceedings (Doc. 136) be and is hereby **DENIED** in so far as it seeks dismissal of Count Nine's request for monetary relief.

Baton Rouge, Louisiana, this 21st day of November, 2024

JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA