

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

VINCENT SIMMONS,  
Plaintiff

CIVIL DOCKET NO. 1:22-CV-01971

VERSUS

DISTRICT JUDGE SUMMERHAYES

POLICE JURY OF AVOYELLES  
PARISH, ET AL.,  
Defendant

MAGISTRATE JUDGE PEREZ-MONTES

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**J U D G M E N T**

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record including the objections filed herein, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that the Complaint against Didier is DISMISSED WITHOUT PREJUDICE.

IT IS ORDERED that Simmons's first Motion to Amend Complaint (ECF No. 66), to state a claim against the APPJ, is GRANTED.

IT IS ORDERED that the APPJ's Motion to Dismiss (ECF No. 54) is GRANTED and Simmons's action against the APPJ is DISMISSED WITHOUT PREJUDICE.

IT IS ORDERED that Simmons's voluntary Motion to Dismiss Amended Complaint (ECF NO. 86) is GRANTED and that his Amended Complaint (ECF No. 84) is STRICKEN.

IT IS ORDERED that Defendants' Motion to Vacate (ECF No. 89) the Order granting Simmons's second Motion to Amend and their Appeal (ECF No. 87) of that Order are both DENIED AS MOOT.

IT IS ORDERED that Simmons's third Motion to Amend Complaint (ECF No. 88) is DENIED IN PART as to the substitution of Heath Pastor in his official capacity as the Avoyelles Parish Assessor and successor in office to John Laborde, for John Bordelon, and GRANTED IN PART in all other respects.

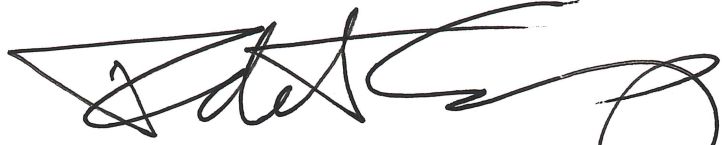
IT IS ORDERED that the Motion to Dismiss filed for Juneau (ECF No. 20) is DENIED IN PART on the *Brady* issue and GRANTED IN PART on all other claims.

IT IS ORDERED that Robert Laborde's Motion to Dismiss (ECF No. 37) is GRANTED IN PART as to Simmons's claims for excessive force, assault, and battery, which are DISMISSED WITH PREJUDICE, and DENIED IN PART as to all other claims.

IT IS ORDERED that the Motion to Dismiss (ECF No. 19) filed by Eddie Knoll, Jeannette Knoll, and Riddle is GRANTED IN PART as to Simmons's claims against them in their individual capacities—except the claim against Eddie Knoll for fabrication of evidence—and those claims are DENIED AND DISMISSED WITH PREJUDICE. Defendants' Motion to Dismiss (ECF No. 19) is DENIED IN PART as to the claim against Eddie Knoll in his individual capacity for fabrication of evidence.

IT IS ORDERED that Defendants' Motion to Dismiss (ECF No. 19) is GRANTED IN PART as to Simmons's claims against Eddie Knoll, Jeannette Knoll, and Riddle in their official capacities, and those claims are DISMISSED WITHOUT PREJUDICE.

THUS ORDERED AND SIGNED in Chambers at Lafayette, Louisiana  
on this 27<sup>th</sup> day of September 2023.

A handwritten signature in black ink, appearing to read "R. Summerhays", written over a horizontal line.

JUDGE ROBERT R. SUMMERHAYS  
UNITED STATES DISTRICT JUDGE