

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 02, 2022

Mr. Tony R. Moore
Western District of Louisiana, Shreveport
United States District Court
300 Fannin Street
Suite 1167
Shreveport, LA 71101-0000

No. 22-30102 Thomas v. Caddo Parish Sex Offender
USDC No. 5:21-CV-4029

Dear Mr. Moore,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

Mary Stewart

By: _____
Mary C. Stewart, Deputy Clerk
504-310-7694

cc w/encl:
Mr. Ronny Thomas



United States Court of Appeals
for the Fifth Circuit

A True Copy

Certified order issued Jun 02, 2022

Lyle W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

No. 22-30102

United States Court of Appeals
Fifth Circuit

FILED

June 2, 2022

Lyle W. Cayce
Clerk

RONNY THOMAS,

Plaintiff—Appellant,

versus

CADDO PARISH SEX OFFENDER REGISTRATION,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:21-CV-4029

CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of June 2, 2022, for want of prosecution. The appellant failed to timely file brief and record excerpts.

No. 22-30102

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

Mary Stewart

By: _____
Mary C. Stewart, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RONNY THOMAS

CIVIL ACTION NO. 21-cv-4029

VERSUS

CHIEF JUDGE HICKS

CADDO PARISH SEX OFFENDER
REGISTRATION

MAGISTRATE JUDGE HORNSBY

REPORT AND RECOMMENDATION

Introduction

Ronny Lee Thomas ("Plaintiff"), who is self-represented, filed this civil action against "Caddo Parish Sex Offender Registration." Plaintiff alleges that he entered a plea bargain in 1989 on charges of attempted aggravated oral sexual battery, and he was sentenced to two consecutive ten-year terms of imprisonment. He alleges that he received a document from the state in 1998 upon completion of his sentence. He contends that the law in effect at the time of his conviction did not require that he register for life as a sex offender, but such laws were passed in later years. Plaintiff complains that in 2017 a Caddo Parish sheriff's deputy ordered him to register as a sex offender. He complains that the laws cited by the deputy were not in place at the time of his offense, nor did his sentence include such conditions. For the reasons that follow, it is recommended that the complaint be dismissed.

Authority to Review Complaint

Plaintiff is proceeding in forma pauperis ("IFP"). Under 28 U.S.C. § 1915(e)(2)(B)(i) & (ii), the district court shall dismiss an IFP complaint at any time if it

determines that the complaint is frivolous or malicious or fails to state a claim upon which relief may be granted. A complaint is frivolous if it lacks an arguable basis in law or fact. It lacks an arguable basis in law if it is based on an indisputably meritless legal theory. The complaint lacks an arguable basis in fact if the facts alleged are clearly baseless. Rogers v. Boatright, 709 F.3d 403, 407 (5th Cir. 2013).

Not a Legal Entity

The first problem with the complaint is that the “Caddo Parish Sex Offender Registration” does not appear to be an entity with the capacity to be sued. If a party is neither an individual nor a corporation, Fed. R. Civ. Pro. 17 states that the “[c]apacity to sue or be sued is determined ... by the law of the state where the court is located.” Fed. R. Civ. P. 17(b)(3). “Under Louisiana law, ‘an entity must qualify as a juridical person to have the capacity to be sued.’ ” Dantzler v. Pope, 2009 WL 959508, *1 (E.D. La. 2009) (quoting Dejoie v. Medley, 945 So. 2d 968, 972 (La. App. 2d Cir. 2006)). “A juridical person is an entity to which the law attributes personality, such as a corporation or a partnership.” La. Civ. Code art. 24. In the absence of law providing that an entity may sue or be sued, the entity lacks such capacity. Wiley v. the Department of Energy, 2021 WL 3809110, *2 (E.D. La. 2021). There is no indication that a legal entity named “Caddo Parish Sex Offender Registration” exists under state law and has the capacity to be sued.

Timeliness

A second issue is timeliness. A civil rights claim under 42 U.S.C. § 1983 that is filed in a Louisiana court must be brought within a one-year limitations period that begins to run the moment the plaintiff becomes aware that he has suffered an injury or has

sufficient information to know that he has been injured. Stringer v. Town of Jonesboro, 986 F.3d 502, 510 (5th Cir. 2021); Elzy v. Roberson, 868 F.2d 793 (5th Cir. 1989).

Plaintiff alleges that a deputy ordered him to register in August 2017, and he did not file this civil action until more than three years later in 2021. Courts have held that the limitations period on similar sex offender registration claims began to run at the time the offender was required to register. Owens v. Abbott, 2012 WL 12893393, *2 (N.D. Tex. 2012); Tippett v. Foster, 2010 WL 2891119, *2 (N.D. Tex. 2010). The undersigned finds that the complaint is untimely on its face and should be dismissed.

A claim that is time barred is properly dismissed as frivolous under Section 1915(e)(2)(B)(i). Gonzalez v. Wyatt, 157 F.3d 1016, 1019-20 (5th Cir. 1998); Juarez v. Anderson, 598 Fed. Appx. 297, 298 (5th Cir. 2015). District courts may raise the defense of limitations sua sponte in an action under Section 1915, Gartrell v. Gaylor, 981 F.2d 254, 256 (5th Cir. 1993), but the court must afford the plaintiff fair notice and an opportunity to present his position. Day v. McDonough, 126 S.Ct. 1675 (2006). This Report and Recommendation provides Plaintiff with sufficient notice of and opportunity to respond to the possible dismissal of his case. See Magouirk v. Phillips, 144 F.3d 348, 359 (5th Cir. 1998) (sua sponte invocation of defense in Report and Recommendation satisfied due process).

The Merits

The complaint also lacks merit. Plaintiff complains that the laws under which he was required to register were not passed until after his conviction and were not consistent with his plea bargain. State and federal courts have routinely rejected similar claims based

on the Ex Post Facto Clause or the Contracts Clause. Smith v. Doe, 123 S.Ct. 1140 (2003); Kirschenhunter v. Sheriff's Office, 165 Fed. Appx. 362 (5th Cir. 2006); Moore v. Avoyelles Correctional Center, 253 F.3d 870, 872 (5th Cir. 2001); State ex rel Olivieri v. State, 779 So.2d 735, 749-50 (La. 2001); and Jackson v. LeBlanc, 2019 WL 2136083, *6 (E.D. La. 2019) (“both the Louisiana Supreme Court and the United States Court of Appeals for the Fifth Circuit have held that because Louisiana’s sex offender registration law is non-punitive in nature, retroactive application of the law does not violate the Constitution’s proscription of ex post facto laws.”). The complaint should also be dismissed due to the lack of merit.

Accordingly,

It is recommended that Plaintiff’s complaint be dismissed with prejudice.

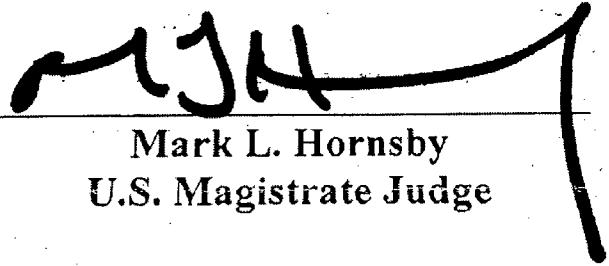
Objections

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this report and recommendation to file specific, written objections with the Clerk of Court, unless an extension of time is granted under Fed. R. Civ. P. 6(b). A party may respond to another party’s objections within fourteen (14) days after being served with a copy thereof. Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing.

A party’s failure to file written objections to the proposed findings, conclusions and recommendation set forth above, within 14 days after being served with a copy, shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to

proposed factual findings and legal conclusions accepted by the district court. See
Douglass v. U.S.A.A., 79 F.3d 1415 (5th Cir. 1996) (en banc).

THUS DONE AND SIGNED in Shreveport, Louisiana, this 28th day of January,
2022.



Mark L. Hornsby
U.S. Magistrate Judge

U.S. District Court

Western District of Louisiana

Notice of Electronic Filing

The following transaction was entered on 1/28/2022 at 12:43 PM CST and filed on 1/28/2022

Case Name: Thomas v. Caddo Parish Sex Offender Registration

Case Number: 5:21-cv-04029-SMH-MLH

Filer:

Document Number: 8

Docket Text:

REPORT AND RECOMMENDATIONS re [1] Complaint, filed by Ronny Thomas. It is recommended that Plaintiff's complaint be dismissed with prejudice. Objections to R&R due by 2/11/2022. Signed by Magistrate Judge Mark L Hornsby on 1/28/2022. (crt,Keller, J)

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 22, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

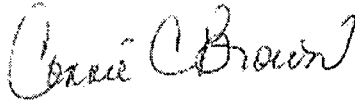
No. 22-30102 Thomas v. Caddo Parish Sex Offender
USDC No. 5:21-CV-4029

The court has taken the following action in this case:

Denying Appellant's motion to reopen case.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, appearing to read "Connie Brown", is enclosed within a rectangular box.

By: _____
Connie Brown, Deputy Clerk
504-310-7671

Mr. Ronny Thomas

U.S. District Court
Western District of Louisiana

Notice of Electronic Filing

The following transaction was entered on 2/18/2022 at 1:20 PM CST and filed on 2/18/2022

Case Name: Thomas v. Caddo Parish Sex Offender Registration

Case Number: 5:21-cv-04029-SMH-MLH

Filer:

Document Number: 11

Docket Text:

JUDGMENT adopting [8] Report and Recommendations dismissing complaint with prejudice and denying [10] Motion for TRO. Signed by Chief Judge S Maurice Hicks, Jr on 2/17/2022. (crt,Reeves, T)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RONNY THOMAS

CIVIL ACTION NO. 21-cv-4029

VERSUS

CHIEF JUDGE HICKS

CADDO PARISH SEX OFFENDER
REGISTRATION

MAGISTRATE JUDGE HORNSBY

J U D G M E N T

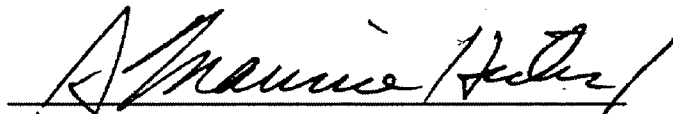
For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein (Record Document 8), and having thoroughly reviewed the record, including the written objections filed (Record Document 9), and concurring with all findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

Plaintiff Ronny Thomas, subsequent to filing of the Report and Recommendation considered here, also filed a Motion for Temporary Restraining Order and Preliminary Injunction (Record Document 10). Because the Court has already determined that his complaint must fail on the merits,

IT IS FURTHER ORDERED that Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction is **DENIED**.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 17th day of
February, 2022.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RONNY THOMAS

CASE NO. 5:21-CV-04029

VERSUS

CHIEF JUDGE S. MAURICE HICKS, JR.

CADDO PARISH SEX OFFENDER
REGISTRATION

MAGISTRATE JUDGE HORNSBY

ORDER

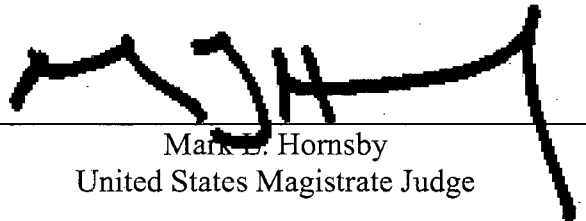
The application of Ronny Thomas to proceed *in forma pauperis* having been considered, it is the opinion of this Court that petitioner:

☒ does not have sufficient funds to pay a filing fee. Accordingly, IT IS ORDERED that petitioner be allowed to proceed *in forma pauperis* in this action.

☐ has sufficient funds to pay the filing fee. Therefore, *in forma pauperis* status is DENIED.

IT IS ORDERED that petitioner pay the \$402.00 filing fee within 30 days from the date of this ordered. Failure to do so will result in the petition being stricken.

THUS DONE in Chambers on this 8th day of December, 2021.


Mark L. Hornsby
United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RONNY THOMAS

VERSUS

RECEIVED

FEB 28 2022

CIVIL ACTION NO. 21-CV-4029

CHIEF JUDGE HICKS

CADDO PARISH SEX OFFENDER
REGISTRATION

JOHN R. MOORE CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT LOUISIANA

MAGISTRATE JUDGE HORNSBY

Document Number: 10

MOTION FOR APPEAL

Along with the U.S. Constitution, your state Constitution, and federal and state laws, customary international law prohibits several practices, such as slavery, state-sponsored murders, and kidnappings; torture, arbitrary detention, systematic racial discrimination, and violation of generally accepted human rights standards. To pass a law, in this nature, after doing time in prison, to register for life is a Jim Crow Law. This person can never be able to rehabilitate. How can a man, say, that another man is incapable of change? That's playing god! And being a hypocrite.

This is a notice for appeal to the decision to Dismissed Plaintiff complaint. Do to merits that should have been granted to his favor. CADDO Parish Sheriff Department, admitted to Wrong-doing, claim that the Plaintiff could have at anytime, came to the department and corrected this problem. But fail to do so! That give them the right, to do what they are doing.

Ricciuti v. N.Y.C. Transit Authority, 941 F.2d 119, 123 '2d Cir 1991'
Conley v. Gibson, 355 U.S. 41-45-46 1957 Potter v. McCall,
433 F.2d 1087 '9th Cir. 1970 Fed. R. Civ. P. 56 'c' 1',

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

July 11, 2022

Mr. Ronny Thomas
532 Lomax Street
Shreveport, LA 71104

No. 22-30102 Thomas v. Caddo Parish Sex Offender
USDC No. 5:21-CV-4029

Dear Mr. Thomas,

We received your Motion for a Appeal. In light of the case is closed, we are taking no action on this motion.

Sincerely,

LYLE W. CAYCE, Clerk

Mary Stewart

By:

Mary C. Stewart, Deputy Clerk
504-310-7694

Address: First Street, N.E., Washington,
Dc 20543

202-479-3000

202-479-3472

Mr. Chief Justice

~~Caddo Parish Sheriff~~
~~Department & Caddo Parish Police Department~~
in the supreme court of the United States

"writ of certiorari"

28. US Code §1253 - Direct Appeals
from decision of three-judge courts

for unlawful conduct

That I plan in page 7