United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
July 9, 2025
Lyle W. Cayce
Clerk

No. 25-30024

CAMERON KEMP,

Plaintiff—Appellant,

versus

MICHAEL POWERS; MARKAY PIERRE; EAGLES REALTY N.W. LOUISIANA; FULL SPECTRUM REALTY; SHEVA M. SIMS, *Judge*; CITY OF SHREVEPORT; BILL WHITESIDE, *Deputy Clerk of Court*,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:24-CV-1598

Before SOUTHWICK, OLDHAM, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Cameron Kemp appeals the dismissal of his civil rights lawsuit under 42 U.S.C. § 1983, in which he sought to vindicate numerous alleged constitutional violations that occurred during proceedings to evict him and his family from their apartment. We AFFIRM.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

I

A

Kemp lived in an apartment leased to his mother and sister. He claims that even though he was not on the lease, he was also a tenant because the landlord accepted rent from him, scheduled inspections with him, and otherwise developed a landlord-tenant relationship with him. He also alleges that after the initial lease expired in September 2021, the lease converted to a month-to-month lease.

On September 11, 2023, the landlord filed an eviction action against Kemp's mother, sister, and all other occupants for non-payment of rent. On September 21, 2023, the Shreveport City Court judge held an eviction hearing at which Kemp was allegedly permitted to represent all tenants because medical issues prevented his mother and sister from attending. Kemp argued that a five-day notice to vacate proffered by the landlord was fraudulent because it was never posted on the apartment door. He also argued that the five-day notice to vacate sent to him by text message was insufficient because Louisiana law requires an unwaivable ten-day notice for month-to-month leases and prohibits notices in the form of a text message. The judge determined that the notice was sufficient because the lease included a waiver of the right to a notice to vacate and ruled in favor of the landlord.

Immediately after the hearing, Kemp went to the clerk's office to file a Notice of Appeal and a Petition for Nullity, but the chief deputy clerk allegedly refused to let him file the papers. Kemp alleges that the judge told the chief deputy clerk that Kemp could not file any pleadings in the eviction action.

The day after the hearing, Kemp's sister called the chief deputy clerk, who allegedly told her that Kemp was not allowed to file papers in the eviction action and that he needed to separately sue the landlord. Kemp claims

that the chief deputy clerk falsely told his sister that the judge evicted her because she had failed to appear at the hearing. He also claims that the chief deputy clerk gave his sister unsolicited legal advice.

On September 27, 2023, the landlord allegedly engaged in "self-help eviction practices" and theft by towing Kemp's vehicle from the property without obtaining a writ of possession from a court.

On October 19, 2023, a Notice of Appeal was filed in the eviction action.[1] Kemp alleges that instead of sending the case to the court of appeals, the judge held a hearing on the eviction and his property theft claim on November 16, 2023. Although Kemp appeared at the hearing, the judge dismissed the appeal due to the failure of Kemp's mother and sister to appear. Kemp also alleges that the chief deputy clerk "stopped [him] from filing a Notice of [A]ppeal after the hearing."

B

Proceeding pro se, Kemp sued the judge, the chief deputy clerk, the City of Shreveport, the landlord, the apartment owner, and two property management companies under 42 U.S.C. § 1983. He alleged violations of his rights under the First, Fourth, Fifth, and Fourteenth Amendments, as well as various state law claims, including self-help eviction, perjury, fraud, conversion, theft, negligence, harassment, invasion of privacy, violation of peaceful possession, conspiracy, and subordination of perjury. Kemp claims that the private actors, the judge, and the chief deputy clerk violated his constitutional rights by conspiring to deny him due process and access to fair eviction proceedings. Specifically, he asserts that the judge's actions and rulings in the eviction proceedings and the chief deputy clerk's rejection of his

[1] The complaint does not identify who filed the notice.

filings favored the private actors and were contrary to Louisiana law, demonstrating the existence of a conspiracy. Kemp also alleges that the city violated his constitutional rights by failing to train, hire, and discipline the judge despite a pattern of similar misconduct in other cases. The complaint did not explicitly request any relief.

After conducting a preliminary screening under 28 U.S.C. § 1915(e), a magistrate judge recommended that Kemp's *in forma pauperis* complaint be dismissed. Because the complaint did not specify the relief it sought, the magistrate judge initially found that to the extent Kemp was attempting to challenge the outcome of the eviction proceedings, his claims were barred by the *Rooker-Feldman*[2] doctrine. He recommended that all the federal law claims be dismissed with prejudice because (1) the landlord, the apartment owner, and the management companies were private actors not acting under color of law; (2) the judge was entitled to absolute judicial immunity because the challenged conduct against her was judicial in nature; (3) the chief deputy clerk was entitled to absolute immunity and absolute quasi-judicial immunity because the challenged conduct against him arose from tasks performed that were either integral to the judicial process or performed at a judge's direction; and (4) the allegations failed to make out a plausible claim for municipal liability against the city. The magistrate judge also recommended that all the state law claims be dismissed without prejudice because all federal claims are subject to dismissal, and the exercise of supplemental jurisdiction was not warranted.

Kemp objected to the magistrate's recommendation, asserting that he is not asking the court to overturn the eviction judgment "but to address

---

[2] *See D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923).

independent constitutional violations." He also clarified that he sought to recover compensatory damages for financial losses and emotional harm, punitive damages against the private actors for "intentional misconduct," attorney's fees under 42 U.S.C. § 1988, and injunctive relief "[t]o prevent future illegal evictions or actions."

The district court accepted the magistrate judge's recommendation and dismissed all federal claims with prejudice for failure to state a claim and dismissed all state law claims without prejudice after declining to exercise supplemental jurisdiction. This appeal followed.

Kemp makes a variety of arguments on appeal, but he essentially challenges (1) the district court's *Rooker-Feldman* determination, (2) the dismissal of his § 1983 claims, and (3) the district court's refusal to exercise supplemental jurisdiction over his state law claims.

II

When a district court dismisses an *in forma pauperis* complaint under 28 U.S.C. § 1915(e)(2)(B)(iii) for seeking relief from a defendant immune from such relief, we review the dismissal de novo. *See Perez v. United States*, 481 F. App'x 203, 206 (5th Cir. 2012). We also review de novo the dismissal of a complaint for failure to state a claim under § 1915(e)(2)(B)(ii), applying the same standard for reviewing dismissals under Federal Rule of Civil Procedure 12(b)(6). *See Samford v. Dretke*, 562 F.3d 674, 678 (5th Cir. 2009). To avoid dismissal for failure to state a claim, the complaint must allege "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). We accept the complaint's well-pleaded facts as true, "viewing them in the light most favorable to the plaintiff." *In re Katrina Canal Breaches Litig.*, 495 F.3d 191, 205 (5th Cir. 2007). Although we liberally construe a pro se plaintiff's pleadings and hold them to less stringent standards than attorney-drafted pleadings, *Doe v. Charter Commc'ns, L.L.C.*,

131 F.4th 323, 328 (5th Cir. 2025), "[w]e do not accept as true conclusory allegations, unwarranted factual inferences, or legal conclusions," *Gentilello v. Rege*, 627 F.3d 540, 544 (5th Cir. 2010).

III

Kemp first argues that *Rooker-Feldman* does not apply to his case because he is not seeking to overturn his eviction.

Under the *Rooker-Feldman* doctrine, federal district courts lack subject matter jurisdiction over collateral attacks on state court judgments. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291 (2005). "A state court judgment is attacked for purposes of *Rooker-Feldman* when the federal claims are 'inextricably intertwined' with a challenged state court judgment or where the losing party in a state court action seeks what in substance would be appellate review of the state judgment." *Weaver v. Texas Cap. Bank N.A.*, 660 F.3d 900, 904 (5th Cir. 2011) (citation modified). The doctrine does not prohibit a district court from considering an "independent claim," even "one that denies a legal conclusion that a state court has reached." *Exxon Mobil*, 544 U.S. at 293. "If the plaintiff claims damages for injuries caused by the defendants' actions—even those occurring during litigation—rather than injuries arising from a state-court judgment itself, the federal suit is not barred by *Rooker-Feldman*." *Avdeef v. Royal Bank of Scotland, P.L.C.*, 616 F. App'x 665, 673 (5th Cir. 2015) (citing *Truong v. Bank of Am., N.A.*, 717 F.3d 377, 383 (5th Cir. 2013)). We review a district court's jurisdictional dismissal under the *Rooker-Feldman* doctrine de novo. *See Truong*, 717 F.3d at 381.

Here, the magistrate judge's recommendation noted that Kemp's complaint asserted civil rights and tort claims relating to a state court eviction proceeding that became final before the federal action was filed, but that the complaint did not ask for specific relief. After explaining that to the extent it

was attacking the eviction judgment, *Rooker-Feldman* barred the suit, the magistrate judge proceeded to the merits of Kemp's federal law claims and recommended they be dismissed. He also recommended that the district court decline jurisdiction over the state law claims. Kemp's objections to the recommendation clarified that he was not challenging the eviction judgment and that he was seeking damages from the defendants for violating his constitutional rights and engaging in other tortious conduct during the eviction proceedings.

Contrary to Kemp's assertions on appeal, the district court did not dismiss his case for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine. As the judgment reflects, the district court concurred with the magistrate judge's recommendation, dismissed Kemp's federal claims with prejudice for failure to state a claim, and declined to exercise supplemental jurisdiction over his state law claims. Kemp's *Rooker-Feldman* challenge is without merit.

IV

Kemp next argues that the judge is not immune to suit because her actions were performed in clear absence of jurisdiction and were outside her judicial duties.

Judges generally have absolute immunity from suits for damages. *See Mireles v. Waco*, 502 U.S. 9, 9–10 (1991). Judicial immunity can be overcome only by showing that the actions were not taken in the judge's judicial capacity or that any judicial actions were taken in the complete absence of jurisdiction. *Id.* at 11–12. "Allegations of bad faith or malice are not sufficient to overcome judicial immunity." *Davis v. Tarrant Cnty.*, 565 F.3d 214, 221 (5th Cir. 2009).

Kemp contends that the judge acted in the clear absence of jurisdiction by ruling contrary to established statutory requirements, allowing the

landlord to evict him, and refusing to address the theft of his vehicle, but a judge is not deprived of immunity merely "because the action [s]he took was in error, was done maliciously, or was in excess of h[er] authority." *Stump v. Sparkman*, 435 U.S. 349, 357 (1978). But the judge's actions of which he complains—ignoring him during the appeal hearing, failing to exercise her "contempt powers" to prevent the landlord's eviction and seizure of his property, and enabling the landlord's "self-help eviction tactics"—are judicial in nature. Moreover, Kemp's allegations that the judge "acted pursuant to a conspiracy and committed grave procedural errors [are] not sufficient to avoid absolute judicial immunity." *Mitchell v. McBryde*, 944 F.2d 229, 230 (5th Cir. 1991).

V

Kemp also challenges the dismissal of his § 1983 claims against the chief deputy clerk based on absolute immunity, but he does not address the district court's reasoning. By failing to brief any argument regarding the dismissal of his claims against the chief deputy clerk, he has abandoned those claims on appeal. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993) (citation omitted) ("Although we liberally construe the briefs of pro se appellants, we also require that arguments must be briefed to be preserved."); *see also Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987) (failing to identify any error in the district court's analysis "is the same as if he had not appealed that judgment"). Nevertheless, the district court did not err in granting immunity to the chief deputy clerk court because staff "have absolute immunity from actions for damages arising from acts they are specifically required to do under court order or at a judge's discretion." *Tarter v. Hury*, 646 F.2d 1010, 1013 (5th Cir. 1981).

VI

Kemp contends that the private actors were state actors for purposes of his § 1983 claims because they conspired with the judge to execute an "illegal eviction" and used governmental authority to enforce an eviction without following legal procedures.[3]

"Section 1983 liability results when a 'person' acting 'under color of' state law, deprives another of rights 'secured by the Constitution' or federal law." *Doe v. United States*, 831 F.3d 309, 314 (5th Cir. 2016) (quoting 42 U.S.C. § 1983). To bring a § 1983 claim against a private actor, "the conduct of the private defendant that forms the basis of the claimed constitutional deprivation must constitute state action under color of law." *Morris v. Dillard Dep't Stores, Inc.*, 277 F.3d 743, 747–48 (5th Cir. 2001) (citing *Lugar v. Edmondson Oil Co., Inc.*, 457 U.S. 922, 924, 928–32 (1982)). "Mere private conduct, no matter how discriminatory or wrongful, is excluded from § 1983's reach." *Cornish v. Corr. Servs. Corp.*, 402 F.3d 545, 549 (5th Cir. 2005) (modified citation).

The Supreme Court has identified at least four tests to determine whether a private actor is acting under color of state law. *See Lugar*, 457 U.S. at 922; *Cornish*, 402 F.3d at 549 (summarizing the tests). On appeal, Kemp appears to rely on the joint action test and the nexus or state action test.

A

The joint action test examines whether the private actors are "willful participant[s] in joint action with the State or its agents." *Cornish*, 402 F.3d

---

[3] When dismissing the § 1983 claims against the private actors, the district court did not address Kemp's allegations of state action based on a conspiracy with state actors. Nevertheless, we may affirm the district court's judgment on any ground supported by the record. *See Cuvillier v. Taylor*, 503 F.3d 397, 401 (5th Cir. 2007).

at 549–50 (quoting *Dennis v. Sparks*, 449 U.S. 24, 27 (1980)). "[T]o satisfy the joint action test for a private actor, a plaintiff must plead 'facts showing an agreement or meeting of the minds between the state actor and the private actor to engage in a conspiracy to deprive the plaintiff of a constitutional right, and that the private actor was a willing participant in joint activity with the state or its agents.'" *Hernandez v. Causey*, 124 F.4th 325, 337 (5th Cir. 2024) (citation omitted). "Allegations that are merely conclusory, without reference to specific facts, will not suffice." *Priester v. Lowndes Cnty.*, 354 F.3d 414, 420 (5th Cir. 2004) (citation omitted).

Here, Kemp's complaint fails to allege any facts showing that the private actors conspired with the judge or the chief deputy clerk to deprive him of his constitutional rights. He argues that the judge's rulings in the eviction proceedings were contrary to state eviction law and favorable to the landlord, which suggests that the judge had engaged in a conspiracy with the private actors. "[M]erely resorting to the courts and being on the winning side of a lawsuit does not make a party a co-conspirator or a joint actor with the judge." *Dennis*, 449 U.S. at 28. Kemp's conclusory allegation of a conspiracy between the private and state actors to violate his rights, absent any specific facts regarding the nature of the conspiracy or the participants' roles in it, is insufficient to plead a § 1983 claim under the joint action test. *See Priester*, 354 F.3d at 420.

B

The nexus test asks whether the state has "so far insinuated itself into a position of interdependence with the [private actor] that it was a joint participant in the enterprise." *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 357–58 (1974). Kemp contends that the private actors were acting under color of state law when they used "state mechanisms" to evict him from the apartment and seize his vehicle. "Private use of state-sanctioned private remedies

or procedures does not rise to the level of state action." *Tulsa Pro. Collection Servs., Inc. v. Pope*, 485 U.S. 478, 485 (1988); *see, e.g., Flagg Bros., Inc. v. Brooks*, 436 U.S. 149, 166 (1978) (holding that statutory approval of a private self-help remedy was not sufficient to transform private conduct into state action). Kemp also alleges that the private actors used the judicial system to obtain an eviction that did not follow legal procedures, but "[p]rivate misuse of a state statute alone does not describe conduct that can be attributed to the state." *Earnest v. Lowentritt*, 690 F.2d 1198, 1201 (5th Cir. 1982). "An allegation that private defendants simply misused a valid state statute does not state a cause of action under § 1983." *Daniel v. Ferguson*, 839 F.2d 1124, 1130 (5th Cir. 1988).

Dismissal of the § 1983 claims against the private actors was not erroneous.

VII

Kemp argues that the city is liable under § 1983 for failing to train, supervise, and discipline its employees because the city was aware of the judge's "documented history of judicial misconduct."

"A person may sue a municipality that violates his or her constitutional rights 'under color of any statute, ordinance, regulation, custom, or usage.'" *Hutcheson v. Dallas Cnty.*, 994 F.3d 477, 482 (5th Cir. 2021) (quoting 42 U.S.C. § 1983); *see Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690 (1978). To survive dismissal on a § 1983 claim against a municipality for failure to adequately train, supervise, and discipline its employees, a plaintiff "must plead 'that (1) the supervisor either failed to supervise or train the subordinate [employee]; (2) a causal link exists between the failure to train or supervise and the violation of the plaintiff's rights[;] and (3) the failure to train or supervise amounts to deliberate indifference.'" *Armstrong v. Ashley*, 60 F.4th 262, 277 (5th Cir. 2023) (quoting *Davidson v. City of Stafford*, 848

F.3d 384, 397 (5th Cir. 2017)). A plaintiff can show deliberate indifference by alleging a "pattern of similar constitutional violations by untrained employees." *Peña v. City of Rio Grande City*, 879 F.3d 613, 624 (5th Cir. 2018). "[T]o find a municipality liable for a policy based on a pattern, that pattern 'must have occurred for so long or so frequently that the course of conduct warrants the attribution to the governing body of knowledge that the objectionable conduct is the expected, accepted practice of city employees.'" *Davidson*, 848 F.3d at 396 (quoting *Peterson v. City of Fort Worth*, 588 F.3d 838, 850 (5th Cir. 2009)). "A pattern requires similarity, specificity, and sufficiently numerous prior incidents." *Id.*

Here, Kemp has not plausibly alleged a pattern of similar constitutional violations to establish deliberate indifference. Although he alleges that the judge was disciplined by the Louisiana Supreme Court in 2015 for wrongfully holding a prosecutor in contempt and for dismissing 15 criminal cases "without proper authority," general allegations of judicial misconduct in criminal proceedings are not sufficient to establish a pattern in eviction proceedings. Accordingly, the district court did not err in dismissing Kemp's § 1983 claims against the city.

VIII

Finally, Kemp contends that the district court failed to address the factors set forth in 28 U.S.C. § 1367(c) when it declined to exercise jurisdiction over his state law claims. Because all of Kemp's federal claims were properly dismissed, the court's decision to decline jurisdiction over his state law claims was not an abuse of discretion. *See Brookshire Bros. Holding v. Dayco Prods., Inc.*, 554 F.3d 595, 601–02 (5th Cir. 2009); *cf. Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. 22, 30 (2025) ("With the loss of federal-question jurisdiction, the court loses as well its supplemental jurisdiction

over the state claims."). Kemp's assertion that the district court erred by not discussing the § 1367(c) factors lacks merit.

* * *

The judgment of the district court is AFFIRMED.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CAMERON KEMP	**CIVIL ACTION NO. 24-cv-1598**
VERSUS	**JUDGE TERRY A. DOUGHTY**
MICHAEL POWERS ET AL	**MAGISTRATE JUDGE HORNSBY**

J U D G M E N T

For the reasons assigned in the Report and Recommendation of the Magistrate Judge [Doc. No. 6] previously filed herein, having thoroughly reviewed the record, including the Objection [Doc. No. 8] filed by Plaintiff Cameron Kemp ("Plaintiff"), and concurring with the findings of the Magistrate Judge under the applicable law,

IT IS ORDERED, ADJUDGED, AND DECREED that all of Plaintiff's federal law claims against all defendants are **DISMISSED WITH PREJUDICE** for failure to state a claim on which relief may be granted.

IT IS FURTHER ORDERED that this Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims and as such, these claims are hereby **DISMISSED WITHOUT PREJUDICE.**

THUS DONE AND SIGNED at Monroe, Louisiana, this the 23rd day December 2024.

TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CAMERON KEMP	CIVIL ACTION NO. 24-cv-1598
VERSUS	JUDGE TERRY A. DOUGHTY
MICHAEL POWERS ET AL	MAGISTRATE JUDGE HORNSBY

REPORT AND RECOMMENDATION

Introduction

Cameron Kemp ("Plaintiff"), who is self-represented, filed this civil action to complain about an eviction and related proceedings. He names as defendants landlord Michael Powers, two companies and an individual associated with property management services, Shreveport City Court Judge Sheva Sims, Deputy Clerk of Court Bill Whiteside, and the City of Shreveport. For the reasons that follow, it is recommended that the complaint be dismissed.

Authority to Review the Complaint

Plaintiff is proceeding in forma pauperis ("IFP"). Under 28 U.S.C. § 1915(e)(2)(B), the district court shall dismiss an IFP complaint at any time if it determines that the complaint (1) is frivolous or malicious, (2) fails to state a claim upon which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. 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, after providing the plaintiff the opportunity to present additional

facts when necessary, the facts alleged are clearly baseless. Rogers v. Boatright, 709 F.3rd 403, 407 (5th Cir. 2013).

The court may also generally review a complaint to determine whether it states a viable claim. "A district court may dismiss an action on its own motion under Rule 12(b)(6) as long as the procedure employed is fair." Bazrowx v. Scott, 136 F.3d 1053, 1054 (5th Cir. 1998). This procedure is fair, because this Report and Recommendation provides Plaintiff notice of the reasons for dismissal and an opportunity to respond before the district judge acts on his case. Magouirk v. Phillips, 144 F.3d 348, 359 (5th Cir. 1998) (sua sponte invocation of defense in Report and Recommendation satisfied due process). Such a sua sponte dismissal is permissible even if done prior to a defendant being served. Alexander v. Trump, 753 Fed. Appx. 201, 208 (5th Cir. 2018).

The Complaint

Plaintiff alleges that on September 11, 2023 Michael Powers filed an eviction action in Shreveport City Court against Kimberly Kemp, Georgia Kemp, and other inhabitants of a residence. Plaintiff, Cameron Kemp, alleges that he was a tenant at the residence and that Mr. Powers accepted rent from him, scheduled inspections with him, and otherwise developed a landlord-tenant relationship with him. The judge allegedly allowed Plaintiff to represent all tenants at a hearing when Kimberly and Georgia were out of state and could not make it back for a court date.

The complaint describes an argument at the eviction hearing about the adequacy of a five-day notice to vacate that the landlord sent by text message. Plaintiff argued that a

ten-day notice was required and that a text message was insufficient under Louisiana law. Judge Sims allegedly disagreed, and Plaintiff takes issue with her ruling. He complains that landlord Powers deceived the city court to carry out an illegal eviction, Judge Sims misinterpreted the law, and that the combination of those events amounts to a conspiracy between them. Plaintiff also includes arguments related to implied tenancy and estoppel.

Plaintiff alleges that Michael Powers, on September 27, 2023, engaged in self-help eviction practices by having an automobile towed from the premises without obtaining a writ or other court order. The city marshal allegedly told Plaintiff that Mr. Powers did not file a writ of possession and simply took possession of the vehicle without following required court proceedings. Plaintiff contends that this amounts to a due process violation, illegal eviction, conversion, and trespass.

The defendants also include Eagles Realty NWLA, Full Spectrum Realty, and Markay Pierre. Their role in the events is not made clear in the complaint, but Plaintiff appears to allege that they are involved in providing property management services for the landlord. Plaintiff complains that the landlord contracted with a new property management company soon before the eviction proceedings but did not give any notice of that change to the tenants. Plaintiff complains that a tenant should be informed in writing when a new property management company takes over a premises. He concludes that the property management defendants are liable for the same damages as Mr. Powers.

Plaintiff alleges that he filed a notice of appeal on October 19, 2023, and Judge Sims set a related hearing regarding that and a motion for annulment of judgment. Plaintiff

alleges that he appeared at the hearing, but Judge Sims ignored him and said that the case was dismissed because neither Georgia Kemp nor Kimberly Kemp were present. Plaintiff complains that he also made the city court aware through various filings of the alleged theft of his vehicle, the illegal eviction, and the like, but Judge Sims wrongfully denied his right to appeal despite these misdeeds. Plaintiff states that the city court case ended in November 2023, well before this action was filed.

Plaintiff makes similar complaints against Deputy Clerk of Court Bill Whiteside. Plaintiff alleges that Whiteside refused to let him file a notice of appeal (although Plaintiff alleged earlier that he did file such a notice). He also claims that Whiteside told Kimberly Kemp that Plaintiff could not file papers in the eviction suit and, if he wished to pursue claims for the theft/conversion of his vehicle or other property, he needed to sue landlord Powers in a separate case. Whiteside said that those were the instructions of Judge Sims. Plaintiff complains that Whiteside improperly gave legal advice and lied to Kimberly Kemp about who was present in court on a particular day.

Plaintiff names the City of Shreveport as a defendant for allegedly failing to train, supervise, and discipline its employees. He complains that this is evidenced by various city officials ignoring or allowing self-help eviction and not following the law as Plaintiff sees it.

Challenge to the Eviction Judgment

Plaintiff does not ask for specific relief in his complaint. He complains about the eviction proceedings in Shreveport City Court and asserts that his due process and First

Amendment rights were violated by those proceedings and related events. He invokes 42 U.S.C. § 1983, various provisions of Louisiana landlord-tenant law, and state tort law such as claims for conversion and trespass. Much of Plaintiff's complaint relates to his argument that the city court ruled incorrectly in the eviction proceeding. To the extent Plaintiff attempts to challenge the outcome of the eviction proceeding, his claims are barred by the Rooker-Feldman doctrine.

Federal courts have limited jurisdiction, and they lack jurisdiction to entertain collateral attacks on final state court judgments. This rule is known as the Rooker-Feldman doctrine. See Exxon Mobil Corp. v. Saudi Basic Industries Corp., 125 S.Ct. 1517 (2005) (doctrine bars cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the federal proceedings commenced and inviting federal district court review and rejection of those judgments). See also Hagerty v. Succession of Clement, 749 F.2d 217, 220 (5th Cir. 1984) ("A plaintiff may not seek a reversal of a state court judgment simply by casting his complaint in the form of a civil rights action."). If a state court errs, the judgment is to be reviewed and corrected by the appropriate state appellate court. Recourse through the federal level is then limited to an application for a writ of certiorari to the United States Supreme Court. Weekly v. Morrow, 204 F.3d 613, 615 (5th Cir. 2000).

Courts have applied the Rooker-Feldman doctrine to eviction proceedings. See Wells v. Ali, 304 Fed. Appx. 292, 294 (5th Cir. 2008) (affirming dismissal under Rooker-Feldman doctrine of lawsuit seeking to relitigate eviction-related claims in federal court)

and Goulla v. Wells Fargo Bank, 2022 WL 1237601, at *4 (W.D. Tex. 2022) ("Plaintiff cannot challenge the validity of a state court judgment or order for eviction in federal court because such challenges are prohibited by the Rooker-Feldman doctrine."). Accordingly, the court lacks jurisdiction to hear any attack by Plaintiff on the judgment issued in the state court eviction proceeding that became final months before this action was filed.

Landlord and Property Management Defendants

Plaintiff named as defendants Michael Powers, Markay Pierre, and two property management companies. Plaintiff's attempts to assert claims against those defendants based on 42 U.S.C. § 1983 lack merit. To state a claim under the statute, a plaintiff must allege that a constitutional violation was committed by a person acting under color of state law. West v. Atkins, 108 S.Ct. 2250, 2255 (1988). The complaint indicates that the landlord and property management defendants are private individuals and private companies, not city or state officials who acted under color of law.

"A landlord does not act 'under color of state law' simply by filing suit against a tenant or by failing to comply with the requirements of a state statute or procedural rule." Brown v. Crawford, 2008 WL 508390, *2 (N.D. Tex. 2008), citing Dickerson v. Leavitt Rentals, 995 F. Supp. 1242, 1250 (D. Kan. 1998), aff'd, 153 F.3d 726 (10th Cir. 1998) (landlords did not act under color of law by simply filing eviction suits in state court). See also Cruz-Arce v. Mgmt. Admin. Servs. Corp., 19 F.4th 538 (1st Cir. 2021) (private company that managed low-income housing and evicted the plaintiff was not a state actor) and Parr v. Colantonio, 844 Fed. Appx. 476 (3rd Cir. 2021) (private landlord that obtained

eviction order in state court was not a state actor). All of the allegations against the landlord and property management defendants depict them as private individuals and companies who obtained a routine eviction from a privately owned residence. There is, therefore, no basis to find that they were state actors who could be liable under Section 1983.

Judge Sims

Plaintiff attempts to assert Section 1983 claims against Judge Sheva Sims based on her rulings in the eviction case. Judges enjoy absolute judicial immunity from liability for damages arising out of performance of their judicial duties. Mireles v. Waco, 112 S.Ct. 286, 288 (1991). That immunity is not overcome by allegations of bad faith or malice. Pierson v. Ray, 87 S.Ct. 1213 (1967) ("[I]mmunity applies even when the judge is accused of acting maliciously and corruptly"). Whether an act by a judge is a judicial one relates to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., whether they dealt with the judge in her judicial capacity. Mireles, 112 S.Ct. at 288.

The Fifth Circuit has adopted a four-factor test for determining whether a judge's actions were judicial in nature: (1) whether the precise act complained of is a normal judicial function; (2) whether the acts occurred in the courtroom or appropriate adjunct spaces such as the judge's chambers; (3) whether the controversy centered around a case pending before the court; and (4) whether the acts arose directly out of a visit to the judge in his official capacity. Davis v. Tarrant County, 565 F.3rd 214, 222 (5th Cir. 2009). These factors are broadly construed in favor of immunity. Id.

The conduct challenged by Plaintiff unequivocally falls within a judge's authority as judicial officer of the court and in the ordinary exercise of judicial duties. Judge Sims is alleged to have ruled on issues at the heart of an eviction process and conducted a hearing on a post-judgment matter. The actions occurred in the courtroom, were centered on a case pending before the court, and otherwise squarely fit the type of activity protected by judicial immunity. Even if Plaintiff could demonstrate that Judge Sims was wrong about the law, he has no claim against her based on these allegations.

Deputy Clerk Whiteside

Plaintiff alleges that Deputy Clerk Whiteside refused to allow him to file a notice of appeal or other papers in the eviction case, particularly related to his claim of property conversion against Michael Powers. Plaintiff adds that Whiteside told him that Judge Sims issued those instructions. Plaintiff contends that he was an implied tenant and should have been allowed to file documents in the record even though he was not an actual named party.

A clerk of court has absolute immunity from actions for damages arising from acts they are specifically required to do under court order or at a judge's direction. They have qualified immunity for routine duties not explicitly commanded by a court decree or by a judge's instructions. Clay v. Allen, 242 F.3d 679, 682 (5th Cir. 2001); Tarter v. Hury, 646 F.2d 1010, 1013 (5th Cir. 1981). They "have absolute quasi-judicial immunity from damages for civil rights violations when they perform tasks that are an integral part of the judicial process," Mylett v. Mullican, 992 F.2d 1347, 1352 n.36 (5th Cir. 1993); see also

Evans v. Suter, 260 Fed. Appx. 726, 727 (5th Cir. 2007) ("Clerks have absolute quasi-judicial immunity ... when they perform tasks integral to the judicial process.").

Plaintiff's complaints that certain documents were not properly filed by Whiteside are barred by these immunity doctrines. In Evans, the plaintiff's main complaint was the clerk's "failure to file one or more additional petitions for rehearing." The Fifth Circuit affirmed dismissal on the grounds that the clerk had absolute quasi-judicial immunity from damages related to that claim. The same is true here. Whiteside may also be entitled to absolute immunity because he allegedly declined to file the papers at a judge's direction. All claims against Whiteside should be dismissed.

City of Shreveport

Plaintiff names the City of Shreveport as a defendant based on generic allegations that it failed to train, supervise, and discipline its employees. His complaint set forth what appears to be portions of a publication regarding municipal liability under Section 1983. Plaintiff does not, however, allege specific facts that would make out a plausible claim for relief based on that rather demanding theory. All claims against the City of Shreveport should be dismissed.

State Law Claims

Plaintiff's complaint mentions state law claims such as trespass and conversion. Plaintiff does not invoke diversity jurisdiction, and there does not appear to be a basis for it on the face of the complaint. He was residing in Shreveport, Louisiana before the eviction, and he continues to list a Shreveport address. It thus appears that Plaintiff is a

Louisiana citizen. Judge Sims and the City of Shreveport are also Louisiana citizens, and it is likely that some or all of the landlord/property management defendants are Louisiana citizens as well. That precludes Plaintiff from pursuing state law claims in federal court based on diversity jurisdiction under 28 U.S.C. § 1332.

When federal claims are presented, the court may have supplemental jurisdiction over related state law claims. But once the federal claims are dismissed, 28 U.S.C. § 1367(c)(3) provides that the court may decline to exercise supplemental jurisdiction over any remaining state law claims, and the general rule is that the court should do so. Parker & Parsley Petroleum Co. v. Dresser Indus., 972 F.2d 580, 585 (5th Cir. 1992); Engstrom v. First National Bank of Eagle Lake, 47 F.3d 1459, 1465 (5th Cir. 1995). This court should decline to exercise supplemental jurisdiction over any state law claims presented in the complaint. Plaintiff may attempt to pursue those claims in state court.

Accordingly,

It is recommended that all of Plaintiff's federal law claims against all defendants be dismissed with prejudice for failure to state a claim on which relief may be granted. It is further recommended that the court decline to exercise supplemental jurisdiction over Plaintiff's state law claims and dismiss all such claims without 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 10th day of December, 2024.

Mark L. Hornsby
U.S. Magistrate Judge

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
August 11, 2025
Lyle W. Cayce
Clerk

No. 25-30024

CAMERON KEMP,

Plaintiff—Appellant,

versus

MICHAEL POWERS; MARKAY PIERCE; EAGLES REALTY N.W. LOUISIANA; FULL SPECTRUM REALTY; SHEVA M. SIMS, *Judge*; CITY OF SHREVEPORT; BILL WHITESIDE, *Deputy Clerk of Court*,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:24-CV-1598

ON PETITION FOR REHEARING

Before SOUTHWICK, OLDHAM, and RAMIREZ, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that the petition for rehearing is DENIED.

Additional material from this filing is available in the Clerk's Office.