No. __________

In the Supreme Court of the United States

WILLIAM T. SAVAGE, SR.,
Petitioner,

v.

LASALLE MANAGEMENT COMPANY, AKA LASALLE CORRECTIONAL CENTER, ET AL.,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether Fed. R. Civ. P. 41(b) permits affirmance of a litigation ending dismissal where the record reflects substantial prosecution of the case, rather than abandonment or contumacious delay, and when lesser sanctions were available.

2. Whether a federal court must meaningfully consider and explain non-use of lesser sanctions before imposing a litigation ending Fed. R. Civ. P. 41(b) dismissal where the alleged default is principally attributable to counsel and the plaintiff has not personally engaged in intentional delay or bad-faith disobedience.

3. Whether affirmance of a Rule 41(b) dismissal on a record characterized as showing "no significant discovery or case development" conflicts with this Court's due process principles and the decisions of other circuits requiring calibrated sanctions and preservation of merits adjudication where less drastic alternatives are available.

4. Whether a court of appeals may avoid the heightened standard applicable to litigation ending sanctions by first affirming exclusion of all evidence under ordinary evidentiary discovery factors, and then affirming Rule 41(b) dismissal as inevitable because no evidence remains.

PARTIES TO THE PROCEEDINGS

Petitioner, and plaintiff-appellant below is William T. Savage, Sr.

Respondents, and defendants-appellees below are LaSalle Management Company, also known as LaSalle Correctional Center, and LaSalle Corrections, L.L.C.

RELATED PROCEEDINGS

United States District Court (WD La.):

William T. Savage, Sr. v. *LaSalle Management Company, also known as LaSalle Correctional Center; LaSalle Corrections, L.L.C.*, No. 3:21–cv–02253–TAD–KDM (Mar. 28, 2025) (judgment entered)

United States Court of Appeals (CA5):

William T. Savage, Sr. v. *LaSalle Management Company, also known as LaSalle Correctional Center; LaSalle Corrections, L.L.C.*, No. 25–30259 (Mar. 9, 2026) (district court affirmed)

William T. Savage, Sr. v. *LaSalle Management Company, also known as LaSalle Correctional Center; LaSalle Corrections, L.L.C.*, No. 25–30259 (Apr. 7, 2026) (rehearing denied)

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The Fifth Circuit's opinion is reported at 169 F. 4th 553, and is reproduced in the Appendix at App. 1–10. The Western District of Louisiana's decisions are reproduced in the Appendix at App. 10–12.

JURISDICTION

The Fifth Circuit's judgment was entered on March 9, 2026. The Fifth Circuit denied rehearing on April 7, 2026. This Court has jurisdiction under 28 U. S. C. § 1254(1).

CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS INVOLVED

U. S. Const., Amdt. V:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U. S. Const., Amdt. XIV, § 1, in relevant part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property,

> without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

42 U. S. C. §1983

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Fed. R. Civ. P. 41(b), in relevant part: "If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subsection (b) … operates as an adjudication on the merits."

STATEMENT OF THE CASE

This case involves workplace racial discrimination and retaliation claims by Petitioner William T. Savage Sr., against LaSalle Management AKA LaSalle

Management Company, AKA LaSalle Correctional Center (LaSalle). Savage commenced his tenure of employment with Respondent LaSalle in January 2001. Mr. Savage applied for the position of Head Warden four times throughout his eighteen years history with the company. Fifteen years and six months of that time has been in his job capacity as an Assistant Warden or Deputy Warden. His career in the field of Corrections relates back to 1996. Mr. Savage was treated less favorably than similar situated white employees who had no administrative and security experience of a Warden's positions. Fifth Circuit Record on Appeal (ROA.) 16.

On the eve of two Trials scheduled for March 11, 2024 and March 3, 2025, LaSalle urges through two Motions in Limine, both with the same arguments, alleging that Savage failed to produce, identify, and disclose its witnesses and/or provided its exhibits. ROA. 306, ROA. 500.

On February 28, 2025, LaSalle filed a Motion to Dismiss pursuant to Rules 37 and/or 41 of the Federal Rules of Civil Procedure, as a result of claims of Savage's repeated refusal to cooperate and participate in discovery, alleging continued willful disregard of the court's Case Management Scheduling Order(s), and failure and/or refusal to prosecute his case. Savage, in his previous oppositions, ROA. 316, ROA. 529, had offered into the record, exhibits A–H to refute misstatements of facts in the Defendant's Motions. ROA. 325, ROA. 366. Savage further outlined that LaSalle failed in their burden of proof in bringing their Motion in Limine and Motion to Dismiss. Their opposition further asserted the District Court erred in granting LaSalle's motions, and not considering Savage's prior relevant record submissions.

On March 17, 2023, LaSalle filed a Motion to Compel discovery alleging that the Savage had not served his responses to LaSalle's Interrogatories and Request for Production of Documents. Savage was unaware of the filing of this Motion; and it was granted, since it was considered unopposed. However, Savage's counsel only became aware of the Motion on June 8, 2023, when LaSalle filed their Motion to Dismiss based on Savage failure to have complied with the scheduling Order and a failure to respond to Discovery. As detailed in ROA. 263, Savage's counsel had been consumed with other litigation issues and due to the pressures of the practice of law, had inadvertently not coordinated forwarding its completed discovery responses. However, once this became known, Savage promptly corrected this oversight and fully complied with the discovery requirements. Savage also fully complied with the court's ruling of August 8, 2023, contained within its report and recommendation, adopted on August 24, 2023. On August 10, 2023, Savage contacted LaSalle to discuss the upcoming discovery deadline of September 26, 2023. ROA. 362, ROA. 363, ROA. 364. On September 25, 2023, a Joint motion for Extension was filed extending the deadline to complete discovery from September 26, 2023, to December 10, 2023. ROA. 294. On September 26, 2023, the court granted the order extending the discovery deadline to December 10, 2023. ROA. 298. The December 10, 2023, discovery deadline was incorporated into a November 2, 2023, scheduling order. ROA. 299. In response to the November 2, 2023 Scheduling Order issued by the District Court on September 26, 2023, Savage sent an e-mail on October 13, 2023, to LaSalle requesting available dates for discovery. ROA. 325. LaSalle never responded. On October 23, 2023, for the first time Savage's counsel met LaSalle's counsel in Court regarding a separate and different matter. Prior to their respective court proceedings, both counsel discussed the pending case, including potential dates on each's calendar for completing discovery in this case, however, no firm schedules or commitments were agreed, since neither were privity to their respective calendars.

On November 1, 2023, Savage's counsel placed a telephone call to LaSalle's counsel to discuss potential deposition dates, as well to explore a potential settlement. During this conversation, each counsel discussed coordinating specific deposition dates with the understanding that all the witnesses including Savage would be deposed on the same, or the following day. LaSalle's counsel, Kaitlin Wall, advised she would relate this proposes scheduling to her client and would follow up with a response by Friday, November 3, 2023; however, but for whatever reasons (unknown), no follow up occurred. On November 8, 2023, Savage's counsel telephoned Wall's offices and left a message; once again, there was response, either by email nor telephone. ROA. 326 (November 13, 2023 e-mail). Savage's counsel never heard from LaSalle's counsel until after forwarding an e-mail, dated November 20, 2023, requesting a Rule 10.1 conference. ROA. 327, ROA. 328. On Wednesday November 22, 2023, counsels for both parties discussed scheduling depositions to take place on December 4, the afternoon of December 5, potentially on December 6. The exact dates were dependance upon LaSalle's counsel hearing back from her clients. ROA. 328 (e-mail dated November 29, 2023). From November 22, 2023, Savage did not hear back from LaSalle. Savage's counsel then called and spoke with LaSalle's counsel, who subsequently responded on November 29, 2023, with an e-mail stating that no dates had yet been received as available for depositions from her clients. Savage's counsel responded back on the same day and provided additional proposed deposition dates. ROA. 329; November 29, 2023 e-mail. On November 30, 2023, Wall responded but did not address the dates provided on the November 29, 2023 e-mail. ROA. 333 (November 30, 2023 e:mail). Savage received no response from LaSalle until they forward their pretrial inserts on March 14, 2024, and filed their Motion in Limine on March 15, 2024. On April 10, 2024, the Court denied LaSalle's Motion in Limine. ROA. 482.

On April 11, 2024, a telephone status/scheduling conference was held with Magistrate Judge McClusky. Subsequently, Savage's counsel contacted LaSalle's counsel Wall, to discuss when LaSalle would provide Responses to Savage's Interrogatories and Request for Production of Documents, that had been served on LaSalle on November 13, 2023. Counsels' discussions were limited to when LaSalle would be available to depose and a time frame for the defendant's to complete Savage's deposition. LaSalle never provide dates to Savage under the auspice that some of the witnesses no longer worked for LaSalle, or they were at LaSalle's offices, in Houston, Texas. Contrary to LaSalle's Motion, Memorandum and self-serving affidavit, ROA. 500, LaSalle's counsel never mentioned that any responses were due because on July 5, 2023 and July 7, 2023, Savage had forwarded electronic version of all discovery responses, send by courier FedEx delivered paper versions. ROA. 339 and ROA. 340. Accordingly, all required discovery responses to LaSalle's requests had been provided by the Savage. LaSalle's failure to take Mr. Savage deposition, the only witness deposition they requested, was not due to any fault of Savage's counsel and LaSalle representations to the contrary was plainly incorrect. Savage's counsel had acted in good faith and engaged in multiple efforts and opportunity possible to schedule depositions for both the Savage and LaSalle, without the necessity of filing Motions to Compel, despite continued lack of responses from LaSalle. Savage received no response from LaSalle since April 11, 2024, until they filed a Motion in Limine on January 10, 2025. The only party that had failed to comply with the Court's Scheduling Order, ROA. 487. were LaSalle. They failed to exchange numbered exhibits on January 14, 2025, instead after Savage's request, sent them on January 29, 2025. Their pre-trial inserts offered no addresses nor summaries of their witnesses' anticipated testimony. LaSalle were disingenuous in their Motion to Dismiss, on page 9, representing those statements had been made in a conversation with LaSalle's counsel "to amend her request to identify from whom she seek information." Savage counsel never agreed to amend nor to resend any discovery requests. Savage has always, from the initial disclosures through their Response to LaSalle's discovery, sufficiently identified the witnesses from whom she needed information. LaSalle were fully aware of all such witnesses since October 13, 2023. ROA. 325

On October 11, 2022, Savage forwarded its "Initial Disclosures" pursuant to civil case management order, [Doc. 24], to LaSalle. ROA. 335 (Plaintiff's Initial Disclosures) In the Initial Disclosures, Savage's witnesses and exhibits were identified. Specifically, Savage identified Eight Exhibits and eleven (11) witnesses including a blanket statement to be of any other witnesses revealed through the discovery process. Moreover, on July 5, 2023, in response to LaSalle's First Set of Interrogatories and Request for Production of Documents, Savage cites its witnesses in Response 3, 10 and 16. ROA. 339; See July 5, 2023 email. LaSalle's counsel conveyed "thanks" to Savage's counsel for the forwarding the discovery. ROA. 340; See e-mail dated July 6, 2023. Accordingly, Savage had made available to LaSalle, all of its witnesses and exhibits. Of upmost importance is that all the witnesses listed on Savage's Initial Disclosures, Discovery and Pre-Trial inserts, except for Savage's wife and daughter, are employees and/or work in various positions with LaSalle Management. Further, the list provided did not need amending since LaSalle put forward that those employees were no longer employed for LaSalle, and in conversation, Defendant's counsel advised their whereabouts were unknown. ROA. 424.

Savage's witness and exhibit lists had been disclosed and made available to LaSalle since 2022, as part of the initial disclosures in this litigation. Savage had also proceeded on two occasions to move his case forward by preparing for trial in accordance with the scheduling orders by filing Joint Preposed Pretrial Orders; Trial briefs, forwarding of the Trial Glossary, and its witness list to the court reporter. ROA. 461, ROA. 474, ROA. 547, ROA. 564.

On February 14, 2025, a telephone status conference was scheduled for February 18, 2025. While preparing for the March 3, 2025, Savage's Trial Counsel inadvertently missed the status conference. ROA. 662. However, after seeing the minutes from the status conference, Savage's counsel immediately filed a Motion for a second status conference to be held. ROA. 593.

However, the next day on February 19, 2025, the Court issued a Memorandum Order excluding Savage's evidence and denying the Motion for a Second Status Conference. ROA. 597. The Court then reopened readjusted the scheduling for filing of dispositive motions, to allow LaSalle, whom had missed the previous Dispositive Motion deadline, to timely file their Motion to Dismiss. ROA. 601. Subsequently, LaSalle filed their Motion to Dismiss, alleging the same argument that Savage had failed to prosecute his case claims that were contrary to record of this case. ROA. 602. On March 21, 2025, Savage filed his opposition. ROA. 636 . On March 29, 2025, the court issued it's Memorandum Ruling and Judgment dismissing Savage's case with Prejudice. ROA. 673.

From those rulings on April 25, 2025, Savage filed his Notice of Appeal. ROA. 675, ROA. 677. On March 9, 2026, the Fifth Circuit affirmed the District Court's ruling in a published opinion. The panel recited the governing Fifth Circuit standard and held that there was a clear record of delay and that lesser sanctions had proved futile. Although the panel acknowledged that there was no indication the delays were attributable to Savage personally rather than to counsel, it stated that "[w]hile not strictly necessary that we also identify an aggravating factor, we find that [LaSalle] were prejudiced." On April 7, 2026, a request for rehearing was denied.

This case presents a recurring and important question concerning the limits of Rule 41(b). The Fifth Circuit affirmed a dismissal with prejudice of a civil-rights and employment case after the district court excluded all of Savage's evidence and then dismissed the action because no evidence remained. The Fifth Circuit treated the record as one of abandonment. Savage submits that the record, properly understood, shows the opposite; substantial prosecution, continued engagement with the court, active and compliant discovery activity, timely scheduling activity, attempts to obtain depositions, and full participation in pretrial preparation.

The action was filed in July 2021. During the litigation, the record included written discovery served and answered, deposition dates requested, active motion practice, scheduling orders, continuances, joint motions, certificates of service, pretrial-order work, submission of witness and exhibit lists, settlement communications, and, with one exception, active participation in status conferences. That is not the record of a plaintiff who abandoned his case. It is a record of active litigation activity that may have been imperfect, but that does not satisfy the high threshold for the ultimate sanction of dismissal with prejudice.

The district court did not meaningfully analyze lesser sanctions before entering the litigation ending dismissal.

The district court did not evaluate normal litigation sanctions, such as the setting of a firm deposition schedule, a conditional order, a short final discovery window, targeted fees, evidentiary limits short of total exclusion, a continuance, a final warning, dismissal without prejudice, or sanctions directed at counsel. Instead, once all evidence was excluded, dismissal followed as a practical inevitability.

The Fifth Circuit affirmed solely under Rule 41(b). It reasoned that lesser sanctions had proved futile because continuances and fee awards had not produced the desired discovery progress. But the relevant question is not whether some sanction was previously imposed; it is whether the district court meaningfully considered sanctions that would substantially achieve deterrence without depriving the litigant of adjudication on the merits. The record supplied by Savage shows available alternatives that were never seriously weighed.

The decision below conflicts with the approach of multiple circuits that require an express, structured analysis before dismissal with prejudice. The Second, Third, Sixth, Tenth, Eleventh, and D. C. Circuits, among others, treat dismissal as a last resort and reverse where district courts fail to assess the plaintiff's personal responsibility, prejudice, warning, willfulness, history of delay, and lesser sanctions. The Fifth Circuit recited a similar rule, but in applying it allowed a dismissal to stand despite substantial prosecution and without a meaningful lesser-sanctions analysis.

REASONS FOR GRANTING THE PETITION

I. The Decision Below Deepens Confusion Over When Rule 41(b) Permits Litigation Ending Dismissal in Cases Showing Active Prosecution Rather Than Abandonment

Rule 41(b) serves an important case management function. But the sanction is uniquely severe because it converts procedural missteps into a merits adjudication. This Court has recognized that courts possess authority to manage their dockets, but that authority must be exercised in a manner consistent with due process, fault, proportionality, and the historic policy favoring decisions on the merits. The circuits agree at a high level that dismissal with prejudice is an extreme sanction. They disagree in practice about how much analysis is required and whether lesser sanctions must be expressly considered before the case is ended.

The Fifth Circuit's decision is particularly problematic because it treats activity short of perfect prosecution as the equivalent of abandonment. If written discovery, discovery responses, deposition efforts, scheduling orders, joint motions, pretrial filings, and record activity can be described as "no significant discovery or case development," then Rule 41(b) becomes a discretionary dismissal device rather than a last-resort remedy.

To be clear, Savage does not contend that the panel below misstated the governing standard. The panel recited the correct Fifth Circuit formulation: dismissal with prejudice under Rule 41(b) is appropriate only where the record shows a clear pattern of delay or contumacious conduct and the district court has expressly determined that lesser sanctions would not prompt diligent prosecution, or the record shows that lesser sanctions were actually tried and proved futile. *Berry* v. *CIGNA/RSI-CIGNA*, 975 F. 2d 1188, 1191 (CA5 1992); *Campbell* v. *Wilkinson*, 988 F. 3d 798 (CA5 2021); *McNeal* v. *Papasan*, 842 F. 2d 787, 790 (CA5 1988); *Rogers* v. *Kroger Co.*, 669 F. 2d 317 (CA5 1982). In applying that standard, the Fifth Circuit ordinarily considers whether the delay was attributable to the plaintiff personally, whether the defendant suffered actual prejudice, and whether the delay was intentional. Where the alleged misconduct is counsel-driven, counsel-directed sanctions remain available, and dismissal with prejudice requires a specific explanation why those alternatives are inadequate.

The problem is the panel's application of that standard, which drains it of force. The decision below treats counsel driven underdevelopment of the case, prior continuances, and prior fee awards as sufficient to satisfy the extraordinary-sanction threshold. If that application stands, the Fifth Circuit's carefully stated standard imposes no practical restraint at all, and Rule 41(b) dismissal with prejudice becomes an ordinary case management tool rather than the last-resort sanction that *Berry*, *Campbell*, *McNeal*, and *Rogers* describe.

II. The Decision Below Conflicts with Circuits Requiring a Structured Lesser-Sanctions Inquiry

The Second Circuit in *Baptiste* v. *Sommers*,768 F. 3d 212 (CA2 2014), the Third Circuit under *Poulis* v. *State Farm Fire & Cas. Co.*, 747 F. 2d 863 (CA3 1984), the Sixth Circuit in *Mulbah* v. *Detroit Bd. Of*

Educ., 261 F. 3d 286 (CA6 2001) and *Schafer* v. *City of Defiance Police Dep't*, 529 F. 3d 731 (CA6 2008), the Tenth Circuit under *Ehrenhaus v. Reynolds*, 965 F. 2d 916 (CA10 1992) the Eleventh Circuit in *Betty K Agencies, Ltd.* v. *M/V MONADA*, 432 F. 3d 1333 (CA11 2005), and the D. C. Circuit in *Shea* v. *Donohoe Constr. Co.*, 795 F. 2d 1071 (CADC 1986) require careful analysis before dismissal with prejudice. Those courts ask whether the client is personally responsible, whether prejudice is actual rather than presumed, whether conduct is willful or in bad faith, whether warnings were adequate, and whether lesser sanctions would work. The decision below allows dismissal even though substantial alternatives were not meaningfully evaluated.

The conflict is most apparent on the principal issue in question this case presents, whether a sanction that functionally ends the litigation, here, the exclusion of every witness, exhibit, and item of proof, must be analyzed under the heightened standards governing terminating sanctions, rather than under ordinary exclusion factors. The decision below answers no; the structured-analysis circuits identified above demand more before a case may be ended without a merits adjudication.

III. The Decision Below Improperly Permits an Litigation Ending Sanction To Be Achieved Through Evidentiary Exclusion First And Rule 41(B) Dismissal Second

A sanction that excludes every witness, exhibit, and item of proof is functionally equivalent to dismissal. Treating that sanction under ordinary exclusion factors and then affirming dismissal because no evidence remains available in opposite to a reset dispositive motion schedule creates a pathway around the heightened protections applicable to terminating sanctions. This issue and the question it presents is important because federal trial courts frequently use exclusion, preclusion, and Rule 41(b) together. When exclusion of all evidence predictably ends the case, the heightened standard for litigation ending sanctions should apply.

The panel below, relying on *King* v. *King*, 117 F. 4th 301 (CA5 2024), rejected the argument that the heightened findings required by *FDIC* v. *Conner*, 20 F. 3d 1376 (CA5 1994), apply when an evidentiary exclusion is litigation-ending. Under that holding, ordinary exclusion factors govern even when exclusion predictably eliminates all of a plaintiff's evidence and leads directly to dismissal. That rule creates a doctrinal loophole that a district court may avoid the heightened terminating-sanction inquiry required by Rule 37 and Rule 41 first excluding all of the plaintiff's evidence under a less demanding standard, and then dismissing the case because the plaintiff is not permitted to submit any opposing evidence. A district court should not be permitted to impose a terminating sanction without the procedural protections required for terminating sanctions. This Court's review is warranted to clarify and to close that pathway.

The issue was decided in a published opinion. The Fifth Circuit expressly affirmed under Rule 41(b). The facts show the practical stakes; that a civil action was dismissed with prejudice despite record activity, despite any failure to consider or impose available lesser sanctions. The question is now aptly presented because the Fifth Circuit did not rely on alternative merits grounds. The case therefore allows this Court to clarify how Rule 41(b), due process, and lesser sanctions principles applies and how a district court considers the pace of when a record contains meaningful prosecution, if lesser sanction toward a party's attorney merits dismissal of a party litigant's case The issue is not whether trial courts have docket management authority. They do. The issue is whether a merits ending Rule 41(b) dismissal may be imposed where the record contains affirmative prosecution and the court has not explained why lesser sanctions tailored to the specific default would not suffice. The Fifth Circuit's formulation permits dismissal to turn on broad characterizations of delay, rather than disciplined findings of contumaciousness, client fault, actual prejudice, and futility of lesser sanctions. This creates a legal standard that is too elastic for a sanction that operates as an adjudication on the merits.

Rule 41(b) dismissal may be imposed where the record contains affirmative prosecution and the court has not explained why lesser sanctions tailored to the specific default would not suffice. Dismissal with prejudice under Rule 41(b) is an adjudication on the merits. Because it extinguishes claims without a merits determination, courts have repeatedly described it as an extreme sanction reserved for the clearest cases of abandonment, contumacious conduct, bad faith, or persistent refusal to obey court orders.

The basic framework under existing precedent contains four recurring requirements. First, the record must show a clear pattern of delay or contumacious conduct, not isolated negligence or ordinary litigation friction. Second, the court should consider whether the conduct is attributable to the plaintiff personally or primarily to counsel. Third, the opposing party must show actual prejudice or the court must identify concrete case management prejudice beyond generalized frustration. Fourth, lesser sanctions must be considered, attempted, or expressly found inadequate. The Supreme Court has never endorsed automatic dismissal whenever a deadline is missed or a case proceeds slowly. *Link* v. *Wabash Railroad Co.*, 370 U. S. 626 (1962) is the principal authority recognizing the inherent power to dismiss for failure to prosecute. But *Lin*k involved counsel's unexplained failure to appear at a pretrial conference after a history suggesting delay. *Lin*k does not hold that every instance of imperfect prosecution justifies dismissal. The case should be distinguished because the present record includes affirmative prosecution activity, and the question is not mere docket authority but the limits of dismissal with prejudice where lesser sanctions were available. *Societe Internationale Pour Participations Industrielles et Commerciales, S.A.* v. *Rogers*, 357 U. S. 197 (1958), is central to the arguments that case ending sanctions require fault. Although decided under Rule 37, its reasoning applies to litigation ending sanctions Generally, holding that dismissal should not be imposed where noncompliance is due to inability, misunderstanding, negligence, or counsel default rather than willfulness, bad faith, or fault by the party.

The Fifth Circuit described Savage's case as involving "no significant discovery or case development." Savage rebuts the characterization as detailed in Savage's Statement of the Case record timeline. *Ibid.* The record contains written discovery served and answered, deposition requests, active motion practice, prior participation in scheduling orders, cooperating with court imposed extensions, partis submission of joint motions, attendance at prior status conferences, compliant pretrial order submissions, evidence of produced witness and exhibit lists, and certificates of service. That record may support criticism of pace or counsel performance, but it does not support the legal conclusion that Savage failed to prosecute in the sense required for Rule 41(b) dismissal with prejudice.

The district court's failure to meaningfully address lesser sanctions is the most important and critical factor in his request. Available alternatives are absent form this record, including imposition of completion of a 30-day final discovery schedule; a firm deposition order; targeted monetary sanctions against counsel; issue specific evidentiary sanctions; reopening discovery at Savage's expense; an order compelling deposition attendance; a final warning; dismissal without prejudice; or referral of counsel conduct to disciplinary authorities. None of these would deprive the client of the merits adjudication that federal policy favors.

Respondents may claim they lacked a meaningful opportunity to prepare for trial. But prejudice must be concrete and tied to the missing material or demonstrated express prejudice. The court could have cured any trial preparation issue through a shorten response schedule, cost-shifting, or targeted limits. Where prejudice is curable, dismissal with prejudice is disproportionate.

The Fifth Circuit acknowledged that there was no indication delays were attributable to Savage rather than counsel. That should have weighed strongly against dismissal. A rule allowing dismissal with prejudice despite no client fault and available counsel directed sanctions creates an apparent due process issue and conflicts with circuits that require direct assessment of the client's responsibility. Savage does not contend that client level fault is a prerequisite to every Rule 41(b) dismissal in the Fifth Circuit. Rather, where client fault is absent, the district court must rigorously consider counsel directed sanctions, including costs and fees, disciplinary referral, conditional orders, a final discovery schedule, a firm deposition order, or issue specific sanctions, and there should be justification or a record supporting why those alternatives are inadequate before ending the case on the merits.

Federal civil procedure favors adjudication on the merits. That policy is not absolute, but it has special force when the plaintiff has actively participated in litigation and when the court has tools short of dismissal. Rule 41(b) should manage abandonment, not punish every imperfection in litigation management. The policy applies with heightened force in civil-rights and employment cases, where dismissal with prejudice eliminates public law claims without testing the merits.

A party facing case ending dismissal should receive meaningful notice that dismissal is likely, an opportunity to cure the specific default, and a judicial explanation why lesser sanctions cannot protect the court and opposing party. A general warning that no further continuance will be granted is not the same as notice that all evidence will be excluded and the case dismissed with prejudice. Due process requires proportionality between any such misconduct and sanction.

The Rule 41(b) analysis below collapsed three distinct inquiries into one conclusion. The court treated delay as clear because the case was aged on its docket; treated lesser sanctions as futile because some sanctions had occurred; and treated prejudice as established because the defendant simply expressed a desire for more discovery, all without a showing of prejudice. But, each inquiry must be specific. Age alone does not equal contumacious delay. Prior sanction for fees do not prove that a firm discovery order or counsel directed sanction would be futile. And, prejudice that a continuance or cost-shifting could cure does not justify a merits case ending sanction. The judgment should be vacated because the Fifth Circuit affirmed dismissal without requiring the disciplined findings that Rule 41(b), due process, and intercircuit precedent demands.

In *Baptiste* v. *Sommers*, 768 F. 3d 212 (CA2 2014) *t*he test for determining whether a Rule 41(b) dismissal is warranted is weighed by five factors of the Federal Rules of Civil Procedure which authorizes the district court to dismiss an action "[i]f the plaintiff fails to prosecute or to comply with [the] rules or a court order." A district court considering a Rule 41(b) dismissal must weigh five factors: "(1) the duration of the plaintiff's failure to comply with the court order, (2) whether plaintiff was on notice that failure to comply would result in dismissal, (3) whether the defendants are likely to be prejudiced by further delay in the proceedings, (4) a balancing of the court's interest in managing its docket with the plaintiff's interest in receiving a fair chance to be heard, and (5) whether the judge has adequately considered a sanction less drastic than dismissal." *Lucas* v. *Miles*, 84 F. 3d 532, 535 (CA2 1996). No single factor is generally dispositive.

Nita v. *Connecticut Dep't of Envtl. Prot.,* 16 F. 3d 482, 485 (CA2 1994).

We review a court's dismissal under Rule 41(b) for an abuse of discretion in light of the record as a whole. *Alvarez* v. *Simmons Mkt. Research Bureau, Inc.,* 839 F. 2d 930, 932 (CA2 1988). Our review is mindful, however, that such dismissals are "the harshest of sanctions" and we insist that dismissal "be proceeded by particular procedural prerequisites," including "notice of the sanctionable conduct, the standard by which it will be assessed, and an opportunity to be heard." *Mitchell* v. *Lyons Prof'l Servs., Inc.,* 708 F. 3d 463, 467 (CA22013) (collecting cases). Finally, because the sanction of dismissal with prejudice "has harsh consequences for clients, who may be blameless," we have instructed that "it should be used only in extreme situations." *Ibid.* (citations and internal quotation marks omitted). We have similarly indicated that a pro se litigant's claim should be dismissed for failure to prosecute "only when the circumstances are sufficiently extreme." *LeSane* v. *Hall's Sec. Analyst, Inc.,* 239 F. 3d 206, 209 (CA2 2001) (internal quotation marks omitted).

The Fifth Circuit imposes a heightened standard for litigation ending sanctions. Before dismissing a case, striking pleadings, entering default, or imposing a sanction that is effectively case dispositive, the court must find: (1) willful or bad faith misconduct; (2) that the client—not just counsel—was responsible; (3) substantial prejudice to the opposing party; and (4) that lesser sanctions would not achieve the desired deterrent effect. *FDIC* v. *Conner*, 20 F. 3d 1376 (CA5 1994). Reversal is warranted because Conner's mandatory findings were omitted or clearly unsatisfied on this record; that is true even under plain error review.

Dismissal under Rule 41(b) is an "extreme sanction" that is appropriate only where a clear record of delay or contumacious conduct by the plaintiff exists and lesser sanctions would not serve the best interests of justice. *McNeal* v. *Papasan*, 842 F. 2d 787, 790 (CA5 1988); see also *Sturgeon* v. *Airborne Freight Corp.*, 778 F. 2d 1154, 1159 (CA5 1985). Additionally, in most cases affirming a Rule 41(b) dismissal with prejudice, the Fifth Circuit has also found at least one of the following "aggravating factors": (1) Delay caused by Plaintiff and not his attorney, (2) actual prejudice to the defendant because of delay, and (3) Delay caused by intentional conduct. See *McNeal*, 842 F. 2d at 790 (citing *Sturgeon*, 778 F. 2d at 1159); *Campbell* v. *Wilkinson*, 988 F. 3d 798 (CA5 2021). The panel below stated that identification of an aggravating factor is "not strictly necessary." *Savage*, 169 F. 4th 553. Even so, the presence of at least one aggravating factor has been a recurring feature of affirmed Rule 41(b) dismissals with prejudice in the Fifth Circuit, especially in close cases, and the absence of plaintiff level fault should weigh heavily against dismissal. *Rogers*, 669 F. 2d 317; *McNeal*, 842 F. 2d at 790; *Berry*, 975 F. 2d at 1191; *Campbell*, 988 F. 3d 798.

"Generally, where a Plaintiff has failed only to comply with a few court orders or rules we have held that the district court abused its discretion in dismissing the suit with prejudice." *Berry* v. *CIGNA/RSI-CIGNA*, 975 F. 2d 1188,1191 n. 6 (CA5 1992). *Rogers* v. *Kroger Co.*, 669 F. 2d 317 (CA5 1982); *Morris* v. *Ocean Systems, Inc.*, 730 F. 2d 248 (CA5 1984).

The Fifth Circuit' decision on this issue cannot be reconciled with the ample precedent discussed above. Although the panel recited the correct standard, it applied that standard in a manner that permits a case ending dismissal where the fault was counsel driven, lesser counsel directed sanctions were available but not utilized, and the district court first achieved the practical equivalent of dismissal through an all evidence exclusion under a less demanding standard.

Savage respectfully moves to vacate the order that excluded all of Savage's evidence as a sanction for alleged noncompliance with the Scheduling Order. The district court applied the four-factors test from *Hamburger* v. *State Farm Mut. Auto. Ins. Co.*, 361 F. 3d 875 (CA5 2004) and *Geiserman* v. *MacDonald*, 893 F. 2d 787 (CA5 1990), to justify a blanket exclusion that effectively ended the case. That was error. In the Fifth Circuit, litigation ending sanctions, whether styled as dismissals, striking of pleadings, or wholesale exclusion of evidence require the heightened findings articulated in *FDIC* v. *Conner*, 20 F. 3d 1376 (CA5 1994). In the case *sub judice* the record will reflect no willful or bad faith misconduct on behalf of the Savage or his counsel, nor has Savage been responsible for any delays, failures to comply with a court order, failures to produce, identify, and disclose witnesses and/or exhibits, nor failures to be available for depositions, nor failures to participate in discovery, nor failures to attend a conference, or failures to prosecute his claims. Respondents have not been prejudiced and have offered no evidence that they have suffered actual prejudice by any delay caused by Savage or his counsel. Instead the Respondent on the eve of two trials have filed the same Motions in Limine, and fostered the same argument in their Motion to Dismiss. The district court failed to take notice that the Respondent did not inquire nor request to take Savage's deposition in 2024; did not unilaterally Notice Savage for dates/or depositions; did not request a meet and confer conference, and did not file a Motion to Compel. The Court explanation of why lesser sanctions would not suffice by shifting all the blame on Savage based on LaSalle unsubstantiated allegations which are refuted by filings in the Court's docketed records. Lesser Sanctions could have been imposed on LaSalle as well as Savage such as a short continuance, a firm deposition schedule, and cost shifting. The District Court failed to adequately and meaningfully weigh those options based upon well settled precedents and neither did the Courts of Appeal.

Excluding "all" of Savage's evidence did not merely police the timing of a disclosure, it terminated the case. Fifth Circuit law requires, at the least *Conner* findings in these circumstances. The district court made no explicit findings of client level willfulness or bad faith, substantial, incurable prejudice, or the inadequacy of lesser sanctions. At most the record shows counsel level infractions at the beginning of the case which Savage's counsel rectified. In addition, the only basis supporting the exclusion of evidence is a single instance of Savage's counsel inadvertently missing of a telephone conference because she was in the midst of preparing for the upcoming March 3, 2025, trial. ROA. 662. However, when counsel saw the minutes issued that same day, she immediately filed a Motion for a Second Status Conference which the district court denied. ROA. 597.

Hamburger and it's progeny address exclusion of specific witnesses or pieces of evidence. They do not authorize a categorical bar that functionally dismissed a party's case without the *Conner's* safeguards. In this case the Fifth Circuit affirmed the district court exclusion of all of Savage's evidence. Therefore, the Fifth Circuit's ruling and judgment constitutes reversible error. Alternatively, that reversal is warranted under plain error review because Conner's mandatory findings were omitted or clearly unsatisfied on this record.

CONCLUSION

This Court should grant certiorari

Respectfully submitted.

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JULY 2026

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APPENDIX

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Appendix A
[Filed: Mar. 9, 2026]

United States Court of Appeals
for the Fifth Circuit

No. 25–30259

WILLIAM T. SAVAGE, SR.,

Plaintiff—Appellant,

versus

LASALLE MANAGEMENT COMPANY, *also known as* LASALLE CORRECTIONAL CENTER; LASALLE CORRECTIONS, L.L.C.,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:21–CV–2253

Before SMITH, WIENER, and HIGGINSON, *Circuit Judges*.

STEPHEN A. HIGGINSON, *Circuit Judge*:

This case comes before the court after four years of litigation with no significant discovery or case development and multiple continuances for Plaintiff–Appellant's benefit. Plaintiff–Appellant William Savage ("Plaintiff") contends that the district court erred in granting Defendants LaSalle Management Co. and LaSalle Corrections, L.L.C.'s ("Defendants") motion to exclude all evidence and subsequent motion to dismiss. For the reasons stated below, we disagree and AFFIRM.

I.

Plaintiff filed this case in July 2021, alleging employment discrimination and retaliation claims under both federal and state law. In October 2022, Defendants sent Plaintiff interrogatories and requests for production. By March 2023, Plaintiff's Counsel ("Counsel") still had not answered Defendants' requests, leading Defendants to file a motion to compel. Plaintiff did not oppose the motion because Counsel was "unaware" of it. The magistrate judge granted the motion in part, directed Plaintiff to respond to Defendants' discovery requests, and ordered Plaintiff to pay $300 in attorney's fees. After Counsel failed to comply with that order, Defendants moved to dismiss under Federal Rules of Civil Procedure 37(b)(2) and 41(b), or alternatively, to replace the district court's scheduling order. Plaintiff opposed that motion, and Counsel took responsibility for failing to complete discovery. The district court denied Defendants' motion to dismiss but vacated its scheduling order, delayed trial, and assessed $600 in attorney's fees against Counsel. The parties then filed a joint motion for an extension of time to complete discovery, which the magistrate judge granted, further delaying trial by eight weeks.

Even after twice being ordered to pay attorney's fees, Counsel still did not prioritize this case. As the third trial date approached without any case development, Defendants filed a motion to exclude all evidence. The district court denied the motion, delayed trial for another year, and warned the parties that it would not continue trial again. As the fourth trial date approached, discovery still had not progressed, and Defendants again moved to exclude all evidence.[1]

The district court scheduled a status conference to discuss the motion, and despite receiving and acknowledging notice of the conference, Counsel "forgot" to attend. Having already given Plaintiff several opportunities to advance this case, the district court granted the motion. With no evidence for Plaintiff to present at trial, Defendants then moved to dismiss the case. The district court granted the motion and dismissed the case with prejudice. Plaintiff now appeals.

II.

Plaintiff challenges both the district court's order granting Defendants' motion to exclude and its order granting Defendants' motion to dismiss. We review "evidentiary rulings, including decisions to exclude, for abuse of discretion." *King v. King*, 117 F.4th 301, 306 (5th Cir. 2024). We also "review a dismissal with prejudice for failure to prosecute for abuse of discretion." *Berry v. CIGNA/RSI-CIGNA*, 975 F.2d 1188, 1191 (5th Cir. 1992). However, we recognize that "dismissal with prejudice is an extreme sanction" and thus have "limited the district court's discretion" on this front. *Id.* (cleaned up); *see also Campbell v. Wilkinson*, 988 F.3d 798, 801 (5th Cir. 2021). Plaintiff has failed to show that the district court abused its discretion in granting either motion.

[1] Defendants styled their motion as a motion in limine, but the district court properly treated it as a motion to exclude. For clarity, we refer to the motion as a motion to exclude.

A.

First, Plaintiff contends that the district court applied the wrong standard in reviewing Defendants' motion to exclude. The district court evaluated Defendants' motion under the four-factor framework for exclusion of evidence as a discovery sanction, considering: (1) the party's explanation for its failure to identify witnesses and exhibits, (2) the importance of the evidence, (3) the potential prejudice in allowing the evidence, and (4) the availability of a continuance to cure any prejudice. *See Hamburger v. State Farm Mut. Auto Ins. Co.*, 361 F.3d 875, 883 (5th Cir. 2004); *King*, 117 F.4th at 307.

Plaintiff argues that the exclusion of all evidence was effectively a litigation-ending sanction, so the district court instead should have used the heightened standard articulated in *FDIC v. Conner*, 20 F.3d 1376 (5th Cir. 1994), which applies when a district court dismisses a case with prejudice as a sanction for failure to comply with a discovery order.[2] We recently rejected an argument that the *Conner* factors should govern exclusion when it functions as a "litigation-ending sanction" as "at odds with our precedent." *King*, 117 F.4th at 307 n.2. In *King v. King*, we noted

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[2] In *Conner*, we stated that dismissal is appropriate where: (1) "the refusal to comply results from willfulness or bad faith and is accompanied by a clear record of delay or contumacious conduct"; (2) "the violation of the discovery order" is "attributable to the client instead of the attorney"; and (3) the violating party's misconduct would "substantially prejudice the opposing party." 20 F.3d at 1380 (quoting *Coane v. Ferrara Pan Candy Co.*, 898 F.2d 1030, 1032 (5th Cir. 1990)). Additionally, we noted that "dismissal is usually improper if a less drastic sanction would substantially achieve the desired deterrent effect." *Id.* at 1381.

that we have "routinely" used the exclusion factors, even "when the exclusion of evidence leads to the dismissal of claims." *Id.* Plaintiff has not presented a reason for us to deviate from that course now. Thus, we find that the district court did not err in applying the typical exclusion framework to Defendants' motion.

Within that framework, Plaintiff only challenges the third and fourth factors on appeal. First, Plaintiff contends that Defendants have failed to show any prejudice from the delays in litigation because Defendants failed to notice depositions and to file a motion to compel. The record shows that Defendants requested dates for Plaintiff's deposition, and Defendants did file a motion to compel in March 2023, after which Counsel still did not participate in discovery. As the district court explained, the "dilatory development of the case" deprived Defendants of any "meaningful understanding" of Plaintiff's theories of liability and of a chance to file dispositive motions based on the evidence. Therefore, Defendants would have been prejudiced without exclusion.

Plaintiff next contends that a continuance would have cured any prejudice. But the district court had already continued trial for Plaintiff's benefit three times and had warned the parties that it would not grant another continuance. Despite these extensions, the case remained, as the district court put it, "woefully underdeveloped." The district court gave Plaintiff several chances to prosecute this case effectively, none of which Counsel took. Thus, a continuance would have proven futile, and the district court did not err in excluding Plaintiff's evidence.

B.

Next, Plaintiff argues that dismissal is a sanction of last resort and that Counsel's conduct in this case does not rise to a level warranting dismissal.[3] Plaintiff is correct that we carefully review dismissals with prejudice, but dismissal with prejudice was appropriate here, given Counsel's severe lack of participation in this case.[4]

We affirm dismissals with prejudice for failure to prosecute "only when (1) there is a clear record of delay or contumacious conduct by the plaintiff, and (2) the district court has expressly determined that lesser sanctions would not prompt diligent prosecution, or the record shows that the district court employed lesser sanctions that proved to be futile." *Berry*, 975 F.2d at 1191 (footnote omitted). Additionally, in most cases where we have affirmed dismissals with

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[3] Plaintiff also separately asserts that the district court's citation to *Bradshaw v. Unity Marine Corp.*, 147 F. Supp. 2d 668, 670, 672 n.3 (S.D. Tex. 2001), stating that Counsel filed "amateurish" pleadings and "gibberish," constitutes reversible error. While regrettable, this reference does not create reversible error. The district court did not dismiss Plaintiff's case because of the quality of Counsel's filings. It dismissed the case because Plaintiff failed to prosecute it for over four years.

[4] The district court relied on our summary judgment decision in *King v. King*, 117 F.4th 301, as its primary basis for granting Defendants' motion to dismiss but also noted that Federal Rules of Civil Procedure 37 and 41—under which Defendants moved to dismiss—provided adequate bases for dismissal. Because failure to prosecute under Rule 41(b) is dispositive, we do not reach the parties' arguments about Rule 37. And because neither party discusses the district court's reliance on *King* in the dismissal order in their briefing on appeal, we do not address whether the district court properly relied on that opinion to dismiss this case.

prejudice, we have "found at least one of three aggravating factors: (1) delay caused by the plaintiff himself and not his attorney; (2) actual prejudice to the defendant; or (3) delay caused by intentional conduct." *Id.* (cleaned up).

Here, we find that there is a clear record of delay, and that lesser sanctions proved futile. While not strictly necessary that we also identify an aggravating factor, we find that Defendants were prejudiced by Plaintiff's repeated delays in this case.

First, the delay in this case is clear. Plaintiff asserts that the record does not show any intentional delay, but no intent is required; intentional delay is just one possible aggravating factor. Plaintiff filed this case in July 2021 and then allowed it to languish in district court for four years. The district court gave Plaintiff several opportunities to participate, denying prior motions to exclude and to dismiss and continuing trial three times so that the parties could complete discovery and advance this litigation. The third time the district court continued trial, it warned the parties that it would not grant another continuance. Yet, Counsel still did not produce discovery or persist in scheduling any depositions. After four years with no significant discovery or case development, the record clearly shows delay in this case.

Second, Plaintiff argues that a continuance, a "firm deposition schedule," or lesser sanctions like cost shifting would have been more appropriate than dismissal. The record indicates otherwise. The district court already continued trial for Plaintiff's benefit multiple times; the parties had a conference in April 2024 to discuss discovery deadlines, including for depositions that never came to fruition; and the district court twice ordered attorney's fees against Plaintiff and Counsel. Despite the district court's admonitions and attorney's fees sanctions, Counsel continued to ignore her responsibilities in this case, even missing a status conference scheduled after Defendants filed their motion to exclude.[5] Thus, lesser sanctions proved futile, and dismissal with prejudice was justified.

Third, as to the aggravating factors, Plaintiff argues that Defendants were not prejudiced by Counsel's conduct because it was Defendants who were unprepared for trial and missed deadlines. But Defendants could not prepare for trial because they did not have any evidence from Plaintiff. As discussed above, the district court correctly found that permitting Plaintiff to present evidence at trial would prejudice Defendants because they would have no meaningful opportunity to examine the evidence and mount a defense, and Defendants had already been deprived of the opportunity to file dispositive motions. Thus, the aggravating factor of prejudice to Defendants is met, and the district court did not abuse its discretion in dismissing Plaintiff's case with prejudice.

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[5] There is no indication that the delays in this case are attributable to Plaintiff, as opposed to his Counsel. Indeed, Counsel has admitted fault for failing to complete discovery and missing a court appearance. We are sympathetic that Plaintiff suffers the consequences of Counsel's actions in this case, but the distinction between Plaintiff and Counsel does not require a different result here. *Cf. Ben E. Keith Co. v. Dining All., Inc.*, 80 F.4th 695, 702 n.7 (5th Cir. 2023) ("[W]here an attorney's conduct falls substantially below what is reasonable under the circumstances, the party may not avoid the consequences of the acts or omissions of his freely selected agent." (cleaned up)).

III.

For the foregoing reasons, we AFFIRM the district court's judgment.

Appendix B
[Filed: Mar. 28, 2025]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

WILLIAM T SAVAGE SR	**CASE NO. 3:21–CV–02253**
VERSUS	**JUDGE DOUGHTY**
LASALLE MANAGEMENT CO ET AL	**MAG. JUDGE MCCLUSKY**

MEMORANDUM RULING

Before the Court is a Motion to Dismiss (ECF No. 77) filed by LaSalle Management Company a/k/a LaSalle Correctional Center ("LMC") and LaSalle Corrections, L.L.C. ("LaSalle") (together, "Defendants"). The plaintiff, William Savage ("Plaintiff"), opposes (ECF No. 84). Defendants replied (ECF No. 87). The Court has already excluded all of Plaintiff's evidence as a sanction for Plaintiff's failure to participate in litigation. *See* ECF No. 76. So, there is no need to rehash the underlying conduct.[1] Simply put, because Plaintiff will not be able to put on any evidence at trial, Plaintiff has no case, and thus his case is ripe for dismissal. *See King v. King*, 117 F.4th 301, 308 (5th Cir. 2024).[2] Accordingly, the Motion is **GRANTED**, and

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[1] Plaintiff, who is represented by counsel, remains on theme by again "deliver[ing] . . . the most amateurish pleadings" "amounting to dozens of pages of gibberish." *See Bradshaw v. Unity Marine Corp., Inc.*, 147 F.Supp.2d 668, 670–672, n.3 (S.D. Tex. 2001).

[2] While *King* was decided in the summary judgment posture, the reasoning remains. We consider no evidence now, merely

Plaintiff's claims are **DISMISSED WITH PREJUDICE.**

MONROE, LOUISIANA, this 29th day of March, 2025.

/s/ Terry A. Doughty
Terry A. Doughty
United States District Judge

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proclaiming the reality that Plaintiff is incapable of meeting his burden at trial by virtue of this Court's prior Order. That said, the Court would alternatively dismiss this case as a sanction under Federal Rules of Civil Procedure 37 and 41 for the reasons enumerated in the prior Order. *See* ECF. No. 76.

Appendix C
[Filed: Mar. 28, 2025]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

WILLIAM T SAVAGE SR	**CASE NO. 3:21–CV–02253**
VERSUS	**JUDGE DOUGHTY**
LASALLE MANAGEMENT CO ET AL	**MAG. JUDGE MCCLUSKY**

J U D G M E N T

For the reasons set forth in the Court's Ruling (ECF No. 88 [App. 10–11]),

IT IS ORDERED, ADJUDGED, AND DECREED that the Motion to Dismiss (ECF No. 77) is **GRANTED**, and William Savage's claims against LaSalle Management Company a/k/a LaSalle Correctional Center and LaSalle Corrections, L.L.C. are hereby **DISMISSED WITH PREJUDICE**.

MONROE, LOUISIANA, this 29th day of March, 2025.

/s/ Terry A. Doughty
Terry A. Doughty
United States District Judge

Appendix D
[Filed: Apr. 7, 2026]

United States Court of Appeals
for the Fifth Circuit

No. 25-30259

WILLIAM T. SAVAGE, SR.,

Plaintiff—Appellant,

versus

LASALLE MANAGEMENT COMPANY, *also known as* LASALLE CORRECTIONAL CENTER; LASALLE CORRECTIONS, L.L.C.,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:21–CV–2253

ON PETITION FOR REHEARING

Before SMITH, WIENER, and HIGGINSON, *Circuit Judges*.

STEPHEN A. HIGGINSON, *Circuit Judge*:

IT IS ORDERED that the petition for rehearing is DENIED.