

No. _____

In the Supreme Court of the United States

CHARLES KAKEMBO SESSANGA,

Petitioner,

v.

CITY OF DESOTO POLICE DEPARTMENT, ET AL.,

Respondents.

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

APPENDIX

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APRIL MMXXVI

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Appendix A

[Filed: Oct. 8, 2025]

United States Court of Appeals for the Fifth Circuit

No. 24-11050

Charles Kakembo Sessanga,

Plaintiff—Appellant,

versus

City of DeSoto, *Police Department*; J. Acosta, *Detective, In his Individual Capacity*; D. Byerly, *Officer, In his Individual and Official Capacity*; P. Schulte, *Officer, In his Individual and Official Capacity*; Kathryn Suggs, *Prosecutor, In her Individual and Official Capacity,*

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas USDC No.
3:24-CV-950

Before Elrod, *Chief Judge*, and Clement and Haynes,
Circuit Judges. Per Curiam:*

* This opinion is not designated for publication. See 5th Cir. R. 47.5.

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Plaintiff-Appellant Charles Kakembo Sessanga appeals from the *sua sponte* dismissal of his lawsuit for malicious prosecution under 42 U.S.C. § 1983. As Sessanga has failed to state a claim for relief and has already pleaded his best case, the judgment of the district court dismissing the case with prejudice and denying Sessanga's motion to amend the complaint is AFFIRMED.

I

We recite in brief the underlying facts as pleaded by Sessanga. In 2018, after a series of familial disputes, Sessanga's wife contacted CPS to report concerns as to the welfare of her brother's children. Sessanga's wife's sister-in-law then sent a vulgar text message to Sessanga's wife stating, among other things, that she had reported Sessanga for sexual abuse of her daughter. On their own accord, Sessanga and his wife went to the police station to meet with a detective to provide their account of the events, including the disputes that preceded the report, and evidence, including the vulgar text messages from the complainant and video showing that the children had run away from their mother, the complainant. The detective continued with the investigation despite the evidence they provided.

As a result of this investigation, Sessanga was prosecuted and indicted for continuous sexual abuse of a child. Sessanga proceeded to trial, where he was acquitted. As a result of these events, Sessanga missed several financial opportunities.

Sessanga sued the DeSoto Police Department, the detective, two police officers, and a prosecutor for malicious prosecution under 42 U.S.C. § 1983. His case

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was referred to a magistrate judge, who recommended *sua sponte* that the district court dismiss the case pursuant to 28 U.S.C. § 1915(e) as he was proceeding *in forma pauperis*. Sessanga objected in writing to the recommendation, but the district court adopted the findings of the magistrate judge and dismissed the case with prejudice.

II

A

We review a *sua sponte* dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii) *de novo*, applying the same standards that we use for a Rule 12(b)(6) dismissal.¹ *Legate v. Livingston*, 822 F.3d 207, 209–210 (5th Cir. 2016). While we hold the pleadings of *pro se* plaintiffs to “less stringent standards than formal pleadings drafted by lawyers,” *pro se* plaintiffs must still plead “sufficient factual matter, accepted as true, to ‘state a claim for relief that is plausible on its face.’” *Hale v. King*, 642 F.3d 492, 498–99 (5th Cir. 2011) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).

B

To state a claim for malicious prosecution under § 1983, plaintiffs must plead: “(1) the commencement or continuance of an original criminal proceeding; (2) its legal causation by the present defendant against plaintiff who was defendant in the original proceeding; (3) its *bona fide* termination in favor of the present

¹ Sessanga also objects to the dismissal on the grounds that it occurred prior to service. 28 U.S.C. § 1915(e) requires the court to dismiss a case “at any time if the court determines that” the plaintiff fails to state a claim. *Id.* § 1915(e)(2) (emphasis added).

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plaintiff; (4) the absence of probable cause for such proceeding; (5) malice; and (6) damages.” *Armstrong v. Ashley*, 60 F.4th 262, 279 (5th Cir. 2023) (emphasis added) (quoting *Gordy v. Burns*, 294 F.3d 722, 727 (5th Cir. 2002)) (noting applicability of *Gordy* standard after *Thompson v. Clark*, 596 U.S. 36 (2022)).

However, “the independent intermediary doctrine shields [an officer who arrests a suspect without probable cause] from liability if a grand jury subsequently indicts the suspect.” *Espinal v. City of Houston*, 96 F.4th 741, 745 (5th Cir. 2024). For the police defendants, including the police department and the three employees sued individually, “we can start (and end) our analysis with the independent intermediary doctrine,” as Sessanga was indicted by a grand jury. *Id.* The grand jury, acting as an independent intermediary, shields the police defendants from liability.

The independent-intermediary doctrine, however, does not apply “if the plaintiff shows that ‘the deliberations of that intermediary were in some way tainted by the actions of the defendant.’” *McLin v. Ard*, 866 F.3d 682, 689 (5th Cir. 2017) (quoting *Denville v. Marcantel*, 567 F.3d 156, 170 (5th Cir. 2009)). On a motion to dismiss, mere allegations of taint can suffice if the inference of taint is supported by other facts alleged. *Id.* at 690. For this exception to the independent-intermediary doctrine to apply, the plaintiff must plead facts that support the inference that “the official’s malicious motive led the official to withhold relevant information or otherwise misdirect the independent intermediary by omission or commission.” *Id.* at 689 (citing *Buehler v. City of Austin/Austin Police Dep’t.*, 824 F.3d 548, 555 (5th Cir. 2016)).

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No such taint is directly alleged in the complaint, and the other facts alleged are insufficient to support inferring a taint here. The complaint does not point to any facts that support a malicious motive on the part of the police officers, detective, or department beyond the mere continuation of the investigation. The fact that the investigation continued is not enough alone to push a claim of a tainted proceeding from possible to plausible. Sessanga's statement that the police's conduct was "malicious and biased" is conclusory and not treated as fact for the purpose of our analysis. See *Ashcroft v. Iqbal*, 556 U.S. 662, 663 (2009) ("[T]he tenet that a court must accept a complaint's allegations as true is inapplicable to threadbare recitals of a cause of action's elements, supported by mere conclusory statements.").

Because the independent-intermediary doctrine defeats Sessanga's claim against the police defendants, we do not need to direct reach the issues of probable cause, malice, or immunity. The claims against the police defendants fail to state a claim upon which relief can be granted.

One defendant remains—the prosecutor. She, like other prosecutors, "is absolutely immune when she acts in her role as an advocate for the state by initiating and pursuing prosecution." *Beck v. Tex. State Bd. of Dental Exam'rs*, 204 F.3d 629, 637 (5th Cir. 2000); see also *Imbler v. Pachtman*, 424 U.S. 409, 431 (1976) ("We hold only that in initiating a prosecution and in presenting the State's case, the prosecutor is immune from a civil suit for damages under [§] 1983."). As such, any claim against her fails to state a claim upon which relief should be granted and was rightfully dismissed.

III

We review a district court's decision to deny a plaintiff leave to amend for abuse of discretion. *Carmouche v. Hooper*, 77 F.4th 362, 367 (5th Cir. 2023). In the case of a *pro se* plaintiff, we favor providing an opportunity to amend, but if the plaintiff has already pleaded his best case, it is not required. *Brewster v. Dretke*, 587 F.3d 764, 768 (5th Cir. 2009).

Though Sessanga sought leave to amend, the record supports a finding that he has already pleaded his best case. Neither Sessanga's objection to the magistrate's finding nor his briefings here provide facts that would support his "mere allegations" of taint. Accordingly, the district court did not abuse its discretion in denying Sessanga's motion for leave to amend.

* * *

As Sessanga has pleaded his best case and failed to state a claim for which relief can be granted, the judgment of the district court is AFFIRMED.

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

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

Mr. Charles Kakembo Sessanga
1000 Grandy's Lane
Suite 2368
Lewisville, TX 75077

1. Send letter advising to disregard your request for Petition for Rehearing En Banc, or

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2. If it is your intention to file a Petition for Rehearing En Banc, you will need to comply with Fed. R. App. P. 40(d)(2) and 5th Cir. R. 40.2.2.

Rehearing does not include a copy of the court's opinion, see 5th Cir. R. 40.1.1 and 5th Cir. R. 40.2.2.10.

Once you have prepared your sufficient rehearing, you must email it to: renee_mcdonough@ca5.uscourts.gov and pro_se@ca5.uscourts.gov for review. If the rehearing is in compliance, you will receive a notice of docket activity advising you that the sufficient rehearing has been filed.

Sincerely,

LYLE W. CAYCE, Clerk
By: /s/ Renee S. McDonough
Renee S. McDonough,
Deputy Clerk
504-310-7673

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Appendix B

[CA5 ECF No. 65-2]

[Filed: Oct. 8, 2025]

United States Court of Appeals for the Fifth Circuit

No. 24-11050

Charles Kakembo Sessanga,

Plaintiff—Appellant,

versus

City of DeSoto, *Police Department*; J. Acosta, *Detective, In his Individual Capacity*; D. Byerly, *Officer, In his Individual and Official Capacity*; P. Schulte, *Officer, In his Individual and Official Capacity*; Kathryn Suggs, *Prosecutor, In her Individual and Official Capacity,*

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas USDC No.

3:24-CV-950

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JUDGMENT

Before Elrod, *Chief Judge*, Clement and Haynes, *Circuit Judges*.

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that the party is to bear its own costs on appeal.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.

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United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

November 24, 2025

Ms. Karen S. Mitchell
Northern District of Texas, Dallas
United States District Court
1100 Commerce Street
Earle Cabell Federal Building
Room 1452
Dallas, TX 75242

No. 24-11050 Sessanga v. City of DeSoto
USDC No. 3:24-CV-950

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk
By: /s/ Renee S. McDonough
Renee S. McDonough,
Deputy Clerk
504-310-7673

cc:

Mr. Charles Kakembo Sessanga

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Appendix C
[CA5 ECF No. 64-1]
[Filed: Nov. 17, 2025]

United States Court of Appeals for the Fifth Circuit

No. 24-11050

Charles Kakembo Sessanga,

Plaintiff—Appellant,

versus

City of DeSoto, *Police Department*; J. Acosta, *Detective, In his Individual Capacity*; D. Byerly, *Officer, In his Individual and Official Capacity*; P. Schulte, *Officer, In his Individual and Official Capacity*; Kathryn Suggs, *Prosecutor, In her Individual and Official Capacity,*

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas USDC No.
3:24-CV-950

ON PETITION FOR REHEARING

Before Elrod, *Chief Judge*, and Clement and Haynes,
Circuit Judges. Per Curiam:

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IT IS ORDERED that the petition for panel rehearing is DENIED.

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

November 17, 2025

Ms. Karen S. Mitchell
Mr. Charles Kakembo Sessanga

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Appendix D

[N.D. Tex. ECF No. 10]

[Filed: Oct. 23, 2024]

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLES KAKEMBO	§	
SESSANGA,	§	
Plaintiff,	§	
V.	§	No. 3:24-cv-950-G-BN
	§	
CITY OF DESOTO PO-	§	
LICE DEPT, ET AL.,	§	
Defendants.	§	

**FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Plaintiff Charles Kakembo Sessanga filed a pro se complaint under 42 U.S.C. § 1983 alleging a claim of malicious prosecution against the City of DeSoto's police department and a DeSoto police detective, which he then amended to add similar claims against two more DeSoto police officers and a Dallas County prosecutor. See Dkt. Nos. 3, 5, 6, & 8.

Sessanga also moved for leave to proceed *in forma pauperis* ("IFP"). See Dkt. Nos. 4 & 7.

So Senior United States District Judge A. Joe Fish referred this case to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b) and a standing order of reference.

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The Court will grant Sessanga's IFP motion through a separate order, subjecting the allegations as amended to screening under 28 U.S.C. § 1915(e).

And the undersigned enters these findings of fact, conclusions of law, and recommendation that, to the extent and for the reasons set out below, the Court should dismiss the complaint as amended.

Legal Standards

Section 1915(e) requires that the Court "dismiss the case at any time" if it "fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii).

Under this standard, a *pro se* complaint need not contain detailed factual allegations – just "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).

"The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

But, "[w]here a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and plausibility of entitlement to relief." *Id.* (cleaned up; quoting *Twombly*, 550 U.S. at 557).

On the other hand, "[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*

And, while a court must accept a plaintiff's allegations as true, it is "not bound to accept as true a legal conclusion couched as a factual allegation." *Id.* (quoting *Twombly*, 550 U.S. at 555).

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In fact, “the court does not ‘presume true a number of categories of statements, including,” in addition to legal conclusions, “‘mere labels; threadbare recitals of the elements of a cause of action; conclusory statements; and naked assertions devoid of further factual enhancement.” *Armstrong v. Ashley*, 60 F.4th 262, 269 (5th Cir. 2023) (quoting *Harmon v. City of Arlington, Tex.*, 16 F.4th 1159, 1162-63 (5th Cir. 2021)).

And, so, to avoid dismissal, plaintiffs must “plead facts sufficient to show” that the claims asserted have “substantive plausibility” by stating “simply, concisely, and directly events” that they contend entitle them to relief. *Johnson v. City of Shelby, Miss.*, 574 U.S. 10, 12 (2014) (per curiam) (citing FED. R. CIV. P. 8(a)(2)-(3), (d)(1), (e)); see also *Robbins v. Oklahoma*, 519 F.3d 1242, 1248 (10th Cir. 2008) (“The burden is on the plaintiff to frame a ‘complaint with enough factual matter (taken as true) to suggest’ that he or she is entitled to relief.” (quoting *Twombly*, 550 U.S. at 556)).

Analysis

Sessanga alleges that he was wrongly prosecuted for continuous child sexual abuse, a process that started when a relative filed a complaint that Sessanga sexually abused her daughter and ended with Sessanga’s acquittal at trial. See Dkt. No. 3 at 2-4.

“A plaintiff may bring a Fourth Amendment claim under § 1983 for malicious prosecution, even in the absence of ‘some affirmative indication of innocence,” because “the gravamen of the Fourth Amendment claim for malicious prosecution is the wrongful initiation of charges without probable cause.” *Bledsoe v.*

Willis, No. 2330238, 2023 WL 8184814, at *3 (5th Cir. Nov. 27, 2023) (per curiam) (cleaned up; quoting *Thompson v. Clark*, 596 U.S. 36, 49, 43 (2022)).

And, following “*Thompson*’s clear recognition of the constitutional tort of malicious prosecution,” the United States Court of Appeals for the Fifth Circuit “reinstated” “the rule iterated in *Gordy/ v. Burns*, 294 F.3d 722 (5th Cir. 2002),]” establishing the elements that “parties asserting a Fourth Amendment malicious prosecution claim under § 1983 must prove”: “(1) the commencement or continuance of an original criminal proceeding; (2) its legal causation by the present defendant against plaintiff who was defendant in the original proceeding; (3) its bona fide termination in favor of the present plaintiff; (4) the absence of probable cause for such proceeding; (5) malice; and (6) damages.” *Armstrong*, 60 F.4th at 279 (quoting *Gordy*, 294 F.3d at 727).

A plaintiff “must sufficiently allege each of these elements in order to bring a claim for malicious prosecution.” *Wallace v. Taylor*, No. 22-20342, 2023 WL 2964418, at *6 (5th Cir. Apr. 14, 2023).

But first, “because an unlawful seizure is the threshold element, if the prosecution is supported by probable cause on at least one charge, then a malicious prosecution claim cannot move forward.” *Armstrong*, 60 F.4th at 279 n.15 (citing *Thompson*, 596 U.S. at 43 n.2).

Because Sessanga first sued a police detective, the undersigned begins with this definition of probable cause: “Probable cause is established by the ‘facts and circumstances within the officer’s knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing, in the circumstances

shown, that the suspect has committed, is committing, or is about to commit an offense.”

Matthews v. Green, No. 23-10178, 2024 WL 448352, at *3 (5th Cir. Feb. 6, 2024) (per curiam) (quoting *Piazza v. Mayne*, 217 F.3d 239, 245-46 (5th Cir. 2000)).

“The probable cause analysis does not demand any showing that the belief that an offense was committed be correct or more likely true than false. Rather, it requires [a court] to find a basis for an officer to believe to a fair probability that a violation occurred.” *Id.* (cleaned up).

And, so, Sessanga’s argument that police officers violated his right to be free from malicious prosecution “requires [the officers] to have acted in the absence of probable cause.” *Id.*

But Sessanga has not plausibly alleged this essential element of a malicious prosecution claim.

To start, a victim’s report of sexual assault – an outcry from a victim – is itself “sufficient to give the officers probable cause for arrest.” *Travis v. City of Grand Prairie*, 654 F. App’x 161, 165 (5th Cir. 2016) (per curiam) (collecting cases); see also *Schambach v. City of Mandeville*, Civ. A. No. 20-214, 2022 WL 1773873, at *12 (E.D. La. June 1, 2022) (“It is settled that probable cause generally exists to arrest a suspect named by an alleged victim of assault.” “To be sure, it is not uncommon for police officers to vet differing accounts of events and nonetheless determine that evidence supports a finding of probable cause that a crime has been committed. This is particularly true in the context of sexual assault of molestation claims.” (footnote omitted)).

And, to the extent that the alleged victim’s mother reported the alleged sexual assault to authorities, “the

law presumes that [the mother] acted honestly and reasonably in contacting law enforcement regarding her daughter's allegations – irrespective of whether other corroborating evidence existed or [the alleged perpetrator] would later deny the allegations.” *Daenekaas v. Thorpe*, No. 13-20-00557CV, 2021 WL 5114038, at *8 (Tex. App. – Corpus Christi Nov. 4, 2021, pet. denied) (citing *Kroger Tex. Ltd. P'ship v. Suberu*, 216 S.W.3d 788, 794-95 (Tex. 2006); *Forbes v. Lanzl*, 9 S.W.3d 895, 902 (Tex. App. – Austin 2000, pet. denied) (“Whether [the plaintiff] could later show he did not inflict this particular injury is relevant to establishing his innocence of the charges but is not relevant to rebutting the presumption of [the defendant's] probable cause to reasonably believe she was the victim of an assault.”); *Guzman v. State*, 955 S.W.2d 85, 87 (Tex. Crim. App. 1997) (“Probable cause deals with probabilities; it requires more than mere suspicion but far less evidence than that needed to support a conviction or even that needed to support a finding by a preponderance of the evidence.”)).

Sessanga's claims of malicious prosecution against the officers also fail for a separate reason.

He alleges that he “face[d] 25 years to Life if found guilty”; that his “prosecution ... resulted in a criminal trial”; and that, “[d]espite the absence of sufficient evidence and lack of a conviction, [he] was subjected to a prolonged legal ordeal.” Dkt. No. 3 at 4.

From these allegations, the Court may reasonably infer that there were intermediate steps between Sessanga's arrest and the initiation of his trial, which likely included an indictment, since it is well established in Texas criminal procedure that “the very first step in a criminal trial after the organization and

impaneling of the jury [is] the reading of the indictment to the jury.” *Castillo v. State*, 530 S.W.2d 952, 953 (Tex. Crim. App. 1976) (citing *Wilkins v. State*, 15 Tex. App. 420 (1884); *White v. State*, 18 Tex. App. 57 (1885)).

“The independent-intermediary doctrine provides that ‘if facts supporting an arrest are placed before an independent intermediary such as a magistrate or grand jury, the intermediary’s decision breaks the chain of causation for false arrest, insulating the initiating party.’” *Bledsoe*, 2023 WL 8184814, at *4 (applying this doctrine in the context of malicious prosecution; quoting *Anokwuru v. City of Hous.*, 990 F.3d 956, 963 (5th Cir. 2021), *abrogated on other grounds by Guerra v. Castillo*, 82 F.4th 278 (5th Cir. 2023)).

And Sessanga alleges no facts from which the Court could infer that any officer “deliberately or recklessly provide[d] false, material information for use in an affidavit or [made] knowing and intentional omissions that result[ed] in a warrant being issued without probable cause,” *id.* (cleaned up), such that Sessanga has alleged an exception to the application of this doctrine, *see also Grayson v. Dall. Cnty. Police Dep’t/Detectives*, No. 3:22-cv-524-G-BK, 2023 WL 5184177, at *3 (N.D. Tex. July 18, 2023), *rec. accepted*, 2023 WL 5193475 (N.D. Tex. Aug. 11, 2023) (summarily dismissing malicious prosecution claim applying independent intermediary doctrine).

Turning last to Sessanga’s adding a Dallas County prosecutor to this civil lawsuit based on how the prosecutor presented the case to the jury, *see, e.g.*, Dkt. No. 8 at 2 (contending that the prosecutor “proceeded with further malice by knowingly falsifying a statement during the cross-examining of [his] wife”), the

prosecutor is absolutely immune from these allegations. See *Imbler v. Pachtman*, 424 U.S. 409, 420-24 (1976); *Burns v. Reed*, 500 U.S. 478, 489-90 (1991) ("Like witnesses, prosecutors and other lawyers were absolutely immune from damages liability at common law for making false or defamatory statements in judicial proceedings (at least so long as the statements were related to the proceeding), and also for eliciting false and defamatory testimony from witnesses." (collecting cases)); *Beck v. Tex. State Bd. of Dental Exam'rs*, 204 F.3d 629, 634 n.2 (5th Cir. 2000) ("As to prosecutors, entitlement [to immunity] flows from performance of activities that are intimately associated with the judicial process, such as initiating and prosecuting a criminal case." (citing *Imbler*, 424 U.S. at 430)); *Wearry v. Foster*, 33 F.4th 260, 266 (5th Cir. 2022) (Because "harassment by unfounded litigation would cause a deflection of the prosecutor's energies from his public duties, and the possibility that he would shade his decisions instead of exercising the independence of judgment required by his public trust," "a contemporary prosecutor's charging decision is protected by absolute immunity by virtue of being the functional equivalent of the activity protected at common law," while "a prosecutor's 'investigative activities' are not entitled to absolute immunity because investigation was not 'part of [a prosecutor's] traditional official functions.'" (quoting *Imbler*, 424 U.S. at 423, 430)), *cert. denied*, 143 S. Ct. 2459 (2023); see also *Brummett v. Camble*, 946 F.2d 1178, 1181 (5th Cir. 1991) (concluding prosecutor is absolutely immune from Section 1983 suit predicated on malicious prosecution).

Sessanga therefore fails to allege a plausible claim under Section 1983, and the complaint as amended should be dismissed.

That said, the opportunity file objections to these findings, conclusions, and recommendation (as further explained below) allows Sessanga an opportunity to show that this case should not be dismissed and that the Court should instead grant leave to further amend. *See Scott v. U.S. Bank Nat'l Ass'n*, 16 F.4th 1204, 1209 (5th Cir. 2021) (per curiam) ("A court should freely give leave to amend when justice so requires, but a movant must give the court at least some notice of what his or her amendments would be and how those amendments would cure the initial complaint's defects. If the plaintiff does not provide a copy of the amended complaint nor explain how the defects could be cured, a district court may deny leave." (citations omitted)).

But, if Sessanga fails to show through timely objections a basis to amend to allege a plausible claim, the Court should dismiss this lawsuit with prejudice.

Recommendation

Unless Plaintiff Charles Kakembo Sessanga shows through timely objections a basis to further amend the complaint to allege a plausible claim, the Court should dismiss this lawsuit with prejudice.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an

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objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

DATED: October 23, 2024

/s/ DAVID L. HORAN
DAVID L. HORAN
UNITED STATES
MAGISTRATE JUDGE

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Appendix E

[N.D. Tex. ECF No. 12]

[Filed: Nov. 4, 2024]

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLES KAKEMBO	)	
SESSANGA,	)	
Plaintiff,	)	
V.	)	CIVIL ACTION NO.
	)	3:24-CV-0950-G-BN
CITY OF DESOTO PO-	)	
LICE DEPT, ET AL.,	)	
Defendants.	)	

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made,* and reviewed the remaining proposed

* For example, in his objections, the plaintiff argues that the independent-intermediary doctrine should not apply because "Defendants presented misleading and incomplete information to the intermediary (e.g., grand jury or magistrate), ignoring exculpatory evidence and failing to disclose critical information about the Mother's retaliatory motives[.]" and "influenced the intermediary's decision without presenting a fair and balanced account."

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findings, defendant can be liable. But the plaintiff has to show that the defendant conclusions, and recommendation for plain error. Finding no error, the court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Because the plaintiff failed to show through objections a basis to further amend the complaint to allege a plausible claim, his request to further amend the complaint is **DENIED**.

SO ORDERED.

November 4, 2024.

/s/ A. Joe Fish

A. JOE FISH

Senior United States

District Judge

Docket entry 11 at 2. But these conclusions lack a factual support that could allow the court to infer whether acts by any defendant preclude applying the doctrine here. See *Shaw v. Villanueva*, 918 F.4th 414, 417 (5th Cir. 2019) (“True, there is an exception to the doctrine [I]f the plaintiff shows that the defendant tainted the intermediary’s decision-making process, the maliciously withheld relevant information or otherwise misdirected the intermediary.” And, at the pleadings stage, “unadorned allegations” devoid of “specific facts showing that [a defendant] misdirected” the intermediary, will “not establish[] the exception[.]” (footnotes omitted)).

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Appendix F

[N.D. Tex. ECF No. 13]

[Filed: Nov. 4, 2024]

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLES KAKEMBO	)	
SESSANGA,	)	
Plaintiff,	)	
V.	)	CIVIL ACTION NO.
	)	
CITY OF DESOTO PO-	)	3:24-CV-0950-G-BN
LICE DEPT, ET AL.,	)	
Defendants.	)	

JUDGMENT

This action came on for consideration by the court, and the issues having been duly considered and a decision duly rendered, it is **ORDERED, ADJUDGED,** and **DECREED** that this lawsuit is **DISMISSED WITH PREJUDICE.**

November 4, 2024.

/s/ A. Joe Fish
A. JOE FISH
Senior United States
District Judge

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