No. 26-_____

In the Supreme Court of the United States

JAMES LEBLANC, ET AL.,
Petitioners,

v.

JAMES MURRAY, 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

ELIZABETH B. MURRILL
Attorney General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third St.
Baton Rouge, LA 70802
(225) 506-3746
AguinagaB@ag.louisiana.gov

J. BENJAMIN AGUIÑAGA
Solicitor General
Counsel of Record
KELSEY L. SMITH
Deputy Solicitor General

QUESTIONS PRESENTED

For nearly a century, *Erie Railroad v. Tompkins*, 304 U.S. 64 (1938), and its progeny have required federal courts to interpret and apply a forum state's laws just as that state's courts interpret and apply those laws. *See, e.g.*, *Wichita Royalty Co. v. City Nat'l Bank of Wichita Falls*, 306 U.S. 103, 107 (1939) (federal question); *West v. Am. Tel. & Tel. Co.*, 311 U.S. 223, 236–38 (1940) (diversity).

In declining to grant qualified immunity below, the Fifth Circuit entrenched its view—under Louisiana law—that the State's Department of Public Safety and Corrections (DPSC) has authority and control over inmates in parish jails. That view contravenes explicit Louisiana case law unacknowledged by the Fifth Circuit. Under Louisiana law, *a parish sheriff* holds "absolute authority over the inmate without any control whatsoever exercised by the DPSC." *E.g.*, *Harper v. State*, 679 So. 2d 1321, 1323 (La. 1996) (citation omitted). In fact, if the plaintiffs here had filed their 42 U.S.C. § 1983 suit in state court, their suit would have been dismissed—but it remains live, solely because they filed in federal court. Only this Court can resolve these "conflicting systems of law" in Louisiana. *West*, 311 U.S. at 236. The questions presented are:

1. Whether *Erie* and its progeny foreclose the Fifth Circuit's determination that DPSC has authority and control over inmates in parish jails.

2. Alternatively, whether vacatur is warranted for certification to the Louisiana Supreme Court. *See McKesson v. Doe*, 592 U.S. 1 (2020) (per curiam).

PARTIES TO THE PROCEEDING

Petitioners are James LeBlanc and Seth Smith. Petitioners were the defendants-appellants below.

Respondents are James Murray, Latavius Paschal, and Antone Henderson. Respondents were the plaintiffs-appellees below.

STATEMENT OF RELATED CASES

Murray v. LeBlanc, No. 25-30076 (5th Cir.). Judgment entered July 7, 2026; order denying rehearing en banc entered August 4, 2026.

Murray v. LeBlanc, No. 3:21-cv-592 (M.D. La.). Order denying summary judgment entered January 16, 2025.

TABLE OF CONTENTS

QUESTIONS PRESENTED i

PARTIES TO THE PROCEEDING ii

STATEMENT OF RELATED CASES iii

TABLE OF APPENDICES vi

TABLE OF AUTHORITIES vii

PETITION FOR WRIT OF CERTIORARI 1

OPINIONS BELOW 5

JURISDICTION 5

STATUTORY PROVISIONS INVOLVED 6

STATEMENT OF THE CASE 6

A. Legal Background 6

1. Louisiana law places absolute authority and control over a parish jail with the sheriff. 6

2. The federal Fifth Circuit holds that DPSC bears responsibility for a parish jail. 11

B. Procedural Background 12

REASONS FOR GRANTING THE PETITION..... 16

I. LOUISIANA IMPROPERLY IS SUBJECT TO DUELING SYSTEMS OF LAW. 16

A. Federal Courts Must Follow Applicable State Law As Interpreted by That State's Appellate Courts..... 17

B. The Fifth Circuit Has Rejected the Louisiana State Courts' Decisions, Creating One Rule for Federal Cases while the Opposite Rule Applies in State Cases. 19

II. THIS ISSUE IS EXCEPTIONALLY IMPORTANT, AND THIS IS THE PERFECT VEHICLE TO RESOLVE IT. ... 24

III. ALTERNATIVELY, THE COURT SHOULD VACATE AND REMAND FOR CERTIFICATION TO THE LOUISIANA SUPREME COURT. 28

CONCLUSION 30

TABLE OF APPENDICES

APPENDIX A — OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, FILED JULY 7, 2026.....1a

APPENDIX B — MINUTE ENTRY OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA, FILED JANUARY 16, 2025.....17a

APPENDIX C — ORAL REASONS OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA, DATED JANUARY 15, 2025.....19a

APPENDIX D — PETITION FOR DENYING REHEARING OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, FILED AUGUST 4, 2026.....29a

TABLE OF AUTHORITIES

Cases

Berger v. N.C. State Conf. of the NAACP,
597 U.S. 179 (2022) 25

C.I.R. v. Bosch's Estate,
387 U.S. 456 (1967) 18

Cooley v. State,
533 So. 2d 124 (La. App. 4 Cir. 1988) 1, 7, 8, 12, 20, 23

Crittindon v. LeBlanc,
37 F.4th 177 (5th Cir. 2022),
cert. denied, No. 22-1171
(U.S. Oct. 2, 2023) 2, 11, 15, 20, 21

Crittindon v. LeBlanc,
58 F.4th 844 (5th Cir. 2023)..... 2, 12

Doe v. McKesson,
2 F.4th 502 (5th Cir. 2021)..... 4, 29

Doe v. McKesson,
339 So. 3d 524 (La. 2022) 4, 29

Elzey v. LeBlanc,
No. 3:26-cv-00793 (W.D. La.) 27

Erie Railroad v. Tompkins,
304 U.S. 64 (1938) ..... i, 3

Fidelity Union Tr. Co. v. Field,
311 U.S. 169 (1940) 3, 17, 18, 24

Green v. LeBlanc,
No. 3:26-cv-00803 (W.D. La.) 27

Gullette v. Caldwell Par. Police Jury,
765 So. 2d 464 (La. App. 2 Cir. 2000) 1, 8, 9, 15, 20, 21, 22, 23

Harper v. State,
679 So. 2d 1321 (La. 1996) ..... i, 1, 8, 9, 12, 20, 21, 22, 23, 25

Henderson v. Avoyelles Corr. Ctr.,
15-966 (La. App. 3 Cir. 5/4/16),
190 So. 3d 1283 ..... 1, 11

Johnson v. Fankell,
520 U.S. 911 (1997) 18

King v. Order of United Com. Travelers of Am.,
333 U.S. 153 (1948) 17, 18, 19

Leavitt v. Jane L.,
518 U.S. 137 (1996) 28

McKesson v. Doe,
592 U.S. 1 (2020) ..... i, 4, 29

Meachum v. Fano,
427 U.S. 215 (1976) 25

Murray v. LeBlanc,
No. 25-30076 (5th Cir.)..... iii

Murray v. LeBlanc,
No. 3:21-cv-592 (M.D. La.) iii

Schuette v. BAMN,
572 U.S. 291 (2014) 25

Seaman v. Howard,
834 So. 2d 1288 (La. App. 3 Cir. 2002) 1, 11, 21

Snyder v. United States,
603 U.S. 1 (2024) 25

Wells v. La. DPSC,
72 So. 3d 910 (La. App. 2 Cir. 2011),
writ denied, 80 So. 3d 474 (La. 2012) 1, 10, 11, 20, 22, 23

West v. Am. Tel. & Tel. Co.,
311 U.S. 223 (1940) ..... i, 3, 17, 18, 19, 21, 24

Wichita Royalty Co. v. City Nat'l Bank of Wichita Falls,
306 U.S. 103 (1939) ..... i, 3, 18

Young v. LeBlanc,
No. 3:23-cv-681 (M.D. La. Dec. 11, 2025) 26, 27

Statutes

28 U.S.C. § 1254 5

28 U.S.C. § 1652 ..... 3, 6, 18

42 U.S.C. § 1983 ..... i, 2, 4, 13, 29

La. R.S. § 15:704 ..... 1, 6, 15, 20

La. R.S. § 15:706 ..... 1, 6, 15

La. R.S. § 15:824 7

Other Authorities

C. A. Marvin, *History of the Court, Court of Appeal, Second Circuit*, la2nd.org/history-of-the-court/ (last visited Oct. 31, 2026) 12

Wright & Miller, *Fed. Prac. & Proc. Juris.*, § 4520 (3d ed.)..... 18

Rules

La. Sup. Ct. R. XII 29

PETITION FOR WRIT OF CERTIORARI

This case arises from an entrenched conflict between Louisiana state courts and the federal Fifth Circuit—a conflict that is subjecting Louisiana itself to diametrically opposed rules depending on whether its officials are sued in state court or federal court.

Under Louisiana law, a local parish sheriff alone holds authority over prisoners in his parish jail. La. R.S. §§ 15:704, 15:706. That is so even if the sheriff houses some of those prisoners on behalf of the State's Department of Public Safety and Corrections (DPSC). As the Louisiana Supreme Court has explained, the parish sheriff holds "absolute authority over the inmate without any control whatsoever exercised by the DPSC." *Harper v. State*, 679 So. 2d 1321, 1323 (La. 1996) (citation omitted). And as the Louisiana Second, Third, and Fourth Circuits have emphasized, DPSC "has no power to control what a sheriff does with the prisoners in his custody." *Gullette v. Caldwell Par. Police Jury*, 765 So. 2d 464, 470 (La. App. 2 Cir. 2000) (quotation omitted); *accord Wells v. La. DPSC*, 72 So. 3d 910, 926 (La. App. 2 Cir. 2011), *writ denied*, 80 So. 3d 474 (La. 2012); *Henderson v. Avoyelles Corr. Ctr.*, 190 So. 3d 1283, 1291–92 (La. App. 3 Cir. 2016); *Seaman v. Howard*, 834 So. 2d 1288, 1292 (La. App. 3 Cir. 2002); *Cooley v. State*, 533 So. 2d 124, 124–25 (La. App. 4 Cir. 1988).

The federal Fifth Circuit, however, takes the opposite view. In one paragraph citing no Louisiana law, a Fifth Circuit panel previously held that "DPSC is responsible for the local jails once they house DPSC prisoners." *Crittindon v. LeBlanc*, 37 F.4th 177, 191 (5th

Cir. 2022), *cert. denied*, No. 22-1171 (U.S. Oct. 2, 2023); *cf. id.* at 200 (Oldham, J., dissenting) (explaining that the *Crittindon* paragraph conflicts with "undisputedly clear" Louisiana law).[1] A 9-7 en banc vote against rehearing set that *Crittindon* paragraph in stone. *See Crittindon v. LeBlanc*, 58 F.4th 844 (5th Cir. 2023). In the decision below, the Fifth Circuit deemed itself "[b]ound by *Crittindon*" to reject the State's argument that, under Louisiana law, "DPSC 'had no responsibility over what befalls pretrial detainees at this local jail.'" App.12a–13a. The Fifth Circuit then denied en banc review, entrenching the Fifth Circuit's rejection of the Louisiana state court decisions.

The facts in this case illustrate the absurd consequences of these conflicting precedents. Plaintiffs are former prisoners who were housed at a parish jail within the jurisdiction of the Louisiana Second Circuit. They have sued two DPSC officials in their individual capacities under 42 U.S.C. § 1983 for alleged violations of their federal constitutional rights that they suffered at the parish jail. If they had sued *in state court*, their suit would have been dismissed under the Louisiana Second Circuit's decisions in *Gullette* and *Wells* and the Louisiana Supreme Court's decision in *Harper*. But this case remains alive only because they sued *in federal court*—claiming that DPSC is responsible for their alleged injuries under the federal Fifth Circuit's decision in *Crittindon*.

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[1] Although Louisiana unsuccessfully sought this Court's review in *Crittindon*, its petition did not raise the questions presented here or identify the decisional and statutory law giving rise to the questions presented.

There is no basis in law or logic for these "conflicting systems of law" in Louisiana. *West v. Am. Tel. & Tel. Co.*, 311 U.S. 223, 236 (1940). And as the Fifth Circuit's denial of en banc review confirms, only this Court can extricate Louisiana from this conflict. The Court should do so through either of two steps.

First, the Court should grant review and reverse. This Court has long required federal courts to interpret and apply a forum state's laws just as that state's courts interpret and apply those laws. *See Erie Railroad v. Tompkins*, 304 U.S. 64, 78–79 (1938); *see also Wichita Royalty Co. v. City Nat'l Bank of Wichita Falls*, 306 U.S. 103, 107 (1939) (federal question); *West*, 311 U.S. at 236–38 (diversity); 28 U.S.C. § 1652 (requiring "[t]he laws of the several states" to "be regarded as rules of decision in civil actions in the courts of the United States, in cases where they apply"). Consistent with that requirement, the Court has rejected any legal system that imposes "one rule of state law for litigants in the state courts and another rule for litigants who bring the same question before the federal courts[.]" *Fidelity Union Tr. Co. v. Field*, 311 U.S. 169, 180 (1940). But the Fifth Circuit has created that system. Not only has it ignored the Louisiana state courts' decisions, but it also has adopted—for federal cases—an interpretation of Louisiana law that Louisiana's courts have rejected. That failure to comply with this Court's directives plainly warrants review and reversal.

Second, alternatively, the Court should vacate and remand, directing the Fifth Circuit to certify the Louisiana law question to the Louisiana Supreme Court. *See McKesson v. Doe*, 592 U.S. 1 (2020) (per curiam).

"The constitutional issue" presented by Plaintiffs' § 1983 suit "is implicated only if Louisiana law permits recovery [against DPSC] in the first place." *Id.* at 4. (It does not.) And given "the unusual circumstances we confront here"—the Fifth Circuit's creation of dueling legal systems within Louisiana—this is precisely when a federal court should "first seek[] guidance on potentially controlling Louisiana law from the Louisiana Supreme Court." *Id.* at 6; *see Doe v. McKesson*, 2 F.4th 502, 504 (5th Cir. 2021) (per curiam) (certifying the state-law questions on remand); *Doe v. McKesson*, 339 So. 3d 524, 526 (La. 2022) (answering the certified questions).

The importance of this issue is unmistakable. The Fifth Circuit has directly overridden Louisiana's sovereign prerogative to allocate power between statewide actors and local sheriffs. In doing so, the Fifth Circuit has diminished the sheriffs' statutory authority by aggrandizing DPSC's own purported authority to dictate sheriffs' operations at their jails. And that direct violation of Louisiana's separation of powers is causing immediate economic injuries. In just one pending case, DPSC officials have been charged with nearly $1 million in damages and attorney's fees for conduct at a local jail—even though Louisiana law forecloses DPSC's liability altogether. Plaintiffs in parish jails are now wise to this fact, suing DPSC in federal court to avoid dismissal in Louisiana state court. And that trend will continue for decades on end in Louisiana without this Court's intervention.

This also is a pristine vehicle to resolve this problem. In declining to grant qualified immunity below, the Fifth Circuit addressed only the "purely legal"

question whether DPSC is responsible under Louisiana law for local parish jails. App.10a (quotation marks omitted). Accordingly, the clean and only question presented here is whether the Fifth Circuit violated this Court's directives by erecting dueling systems of law within Louisiana regarding a sheriff's absolute authority over his jail. And there is no better set of facts upon which to answer that question: The prisoner in *Wells* had no viable claim against DSPC because that suit was filed in state court, but these Plaintiffs—claiming to have suffered harm in the same parish jail system at issue in *Wells*—have survived dismissal only because they filed in federal court. The absurdity cries out for correction.

The Court should grant review and reverse, or, alternatively, vacate and remand for certification to the Louisiana Supreme Court.

OPINIONS BELOW

The Fifth Circuit's panel opinion (App.1a–16a) is available at 2026 WL 1961125. The Fifth Circuit's order denying rehearing en banc is unreported but reproduced at App.29a–30a. The district court's oral reasons for denying summary judgment are reproduced at App.19a–28a. *See* App.17a–18a (corresponding minute entry).

JURISDICTION

The Fifth Circuit issued its panel opinion on July 7, 2026, App.1a–16a, and denied the petition for rehearing en banc on August 4, 2026, App.29a–30a. This Court has jurisdiction under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

The Rules of Decision Act provides: "The laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide, shall be regarded as rules of decision in civil actions in the courts of the United States, in cases where they apply." 28 U.S.C. § 1652.

La. R.S. § 15:704 provides: "Each sheriff shall be the keeper of the public jail of his parish, and shall by all lawful means preserve the peace and apprehend all disturbers thereof, and other public offenders."

STATEMENT OF THE CASE

A. Legal Background

The purely legal qualified-immunity question in this case rests on a discrete issue of Louisiana law regarding a sheriff's absolute and exclusive authority and control over the prisoners housed in his parish jail. Louisiana law and precedents establish one clear answer on that issue, but the federal Fifth Circuit has taken the opposite view.

1. Louisiana law places absolute authority and control over a parish jail with the sheriff.

a. Under Louisiana law, a parish sheriff is "the keeper of the public jail of his parish." La. R.S. § 15:704. He must "by all lawful means preserve the peace and apprehend all disturbers thereof, and other public offenders." *Id.* If he receives a prisoner from another facility, he likewise "shall keep the prisoner safe and secure." *Id.* § 15:706(C).

In general, prisoners housed at a local parish jail are "awaiting trial" or sentencing, La. R.S. § 15:824(C)(2), while those housed at a facility operated by the State's DPSC already have been sentenced and "committed to [DPSC]," *id.* § 15:824(C)(1). But a local parish sheriff can send his own prisoners to a DPSC facility under certain circumstances, *see id.* § 15:824(C)(2), and DPSC likewise can ask a local parish sheriff to house DPSC prisoners due to overcrowding concerns and the like, *id.* § 15:824(D). In both of those circumstances, the facility housing the prisoner receives a per diem for its service.

b. This suit arises from a recurring scenario in Louisiana that its courts have uniformly addressed over nearly 40 years: A DPSC prisoner (or, as in this case, a non-DPSC prisoner held alongside DPSC prisoners) is housed at a local parish jail and claims to have been injured while in custody. Is the sheriff responsible, or is DPSC responsible? Louisiana state courts, including the Louisiana Supreme Court, have unanimously said the sheriff is responsible, not DPSC.

In 1988, the Louisiana Fourth Circuit considered a DPSC prisoner's claim that he was assaulted while housed at the Orleans Parish jail. *Cooley*, 533 So. 2d at 124–25. The Fourth Circuit held that he had no cause of action against DPSC. Under Louisiana law, the court explained, "[t]he sheriff is responsible for the care of these inmates"—barring narrow exceptions not implicated here, "the sheriff has absolute authority over the inmate without any control whatsoever exercised by the DPSC." *Id.* at 127.

The Louisiana Supreme Court adopted *Cooley*'s holding as its own in 1996. Like *Cooley*, *Harper*, 679 So. 2d 1321, involved a DPSC inmate's claim that he was assaulted while housed at a parish jail. The lower courts concluded that "DPSC had a duty" to protect the inmate, which DPSC allegedly breached. *Id.* at 1322. But the Louisiana Supreme Court reversed. Citing *Cooley*, the court explained that such an inmate is "in the custody of the sheriff of the parish to whose jail he has been placed, not the custody of [] DPSC." *Id.* That is so "even where the sheriff is receiving money from DPSC to house the inmate." *Id.* at 1323 (citation omitted). And the court adopted *Cooley*'s conclusion in its entirety: "the sheriff has absolute authority over the inmate without any control whatsoever exercised by [] DPSC." *Id.* (quoting *Cooley*, 533 So. 2d at 127). Accordingly, "DPSC is not liable for plaintiff's injuries"; instead, the sheriff, "in his official capacity as sheriff, is 100% at fault." *Id.* at 1324.

c. Following *Cooley* and *Harper*, DPSC and the Louisiana sheriffs jointly adopted a set of general policies called the Basic Jail Guidelines, which are "general operational guidelines for parish jail facilities specifically relating to [DPSC] inmates." *Gullette*, 765 So. 2d at 469. The Guidelines allow for "periodic inspections by [DPSC] employees to [e]nsure compliance with the guidelines." *Id.* Based on that allowance, prisoners subsequently tried to overcome *Cooley* and *Harper*—to no avail.

In *Gullette*, another DPSC prisoner housed at a parish jail sued DPSC claiming that he was assaulted while in custody. *Id.* at 466. The question—as in *Cooley* and *Harper*—was whether DPSC "owed a duty as

a matter of law to [the prisoner] to protect him." *Id.* at 467. The Louisiana Second Circuit said no, citing *Cooley* and *Harper*: "Both statutorily and jurisprudentially, the parish sheriff has been given complete control and absolute authority over the prisoners in his custody—even those who remain in the legal custody of [DPSC]." *Id.* at 470. And that "includes complete responsibility for the discipline and daily physical protection of prisoners." *Id.*

In reaching that conclusion, the Second Circuit "agree[d]" with *Cooley* and *Harper* that DPSC's "payment ... of a per diem amount" for housing "in no way affects the control exercised by the sheriff over this specific obligation." *Id.* "Nor does the periodic inspection of the facility [under the Guidelines] impart control sufficient to impose liability upon [DPSC]," the court continued. *Id.* Indeed, the court "f[ound] specious the argument that [DPSC's] requirement that [the parish jail] submit to the guidelines confers the type or amount of control upon [DPSC] which creates a legal duty to [the prisoner]." *Id.* "As the name guidelines implies, this agreement merely sets forth a general outline of policy and procedure for the housing of [DPSC] inmates." *Id.* "The only authority given to [DPSC] under the guidelines is to ensure that the written policies are in place"—but "[i]t is the sheriff who retains the duty to enforce those policies; [DPSC] has 'no power to control what a sheriff does with the prisoners in his custody.'" *Id.* (quoting *Harper*, 679 So. 2d at 1323).

The Second Circuit closed by emphasizing that the Guidelines did not "confer upon [DPSC] any part of the

absolute statutory authority given to the parish sheriffs regarding obligations relating to the day-to-day custody of inmates in parish facilities." *Id.* Those duties are "solely" the sheriff's. *Id.*

A decade later, the Second Circuit affirmed its position in *Wells*, 72 So. 3d 910. There, the prisoner was alleged to have received inadequate medical care at a Madison Parish jail. *Id.* at 913.[2] In reviewing the jury instructions, the court held that they "were correct" to say, among other things, that:

> The sheriff has authority over an inmate once he is placed in a parish jail, such that DPSC could not require Sheriff to abide by its policies.
>
> There is no statute or regulation which would give any arm of the DPSC the power to control what a sheriff does with prisoners in his custody.
>
> ...
>
> Periodic inspections of a parish jail for compliance with [the] Basic Jail Guidelines does not give [DPSC] 'authority and control' over the facility, so as to create a duty to an inmate.
>
> The Basic Jail Guidelines are not intended[,] either in purpose or practice, to confer upon [DPSC] any part of the absolute statutory authority given to the parish Sheriffs regarding

[2] The plaintiff in this suit was the prisoner's mother because the prisoner passed away. *Wells*, 72 So. 3d at 913–14. For ease of reference, however, this petition refers to the prisoner himself as the plaintiff.

> obligations relating to the day-to-day custody of inmates in parish facilities.

Id. at 925–26. "These instructions," the court concluded, "are a correct statement of the law." *Id.* at 926.

For its part, moreover, the Louisiana Third Circuit has expressly followed the Supreme Court's decision in *Harper*, the Fourth Circuit's decision in *Cooley*, and the Second Circuit's decisions in *Gullette* and *Wells*. *See, e.g.*, *Henderson*, 190 So. 3d at 1291–92 ("The sheriff has absolute authority over an inmate sentenced to hard labor and committed to the DPSC but housed in a parish jail due to overcrowding even where the sheriff is receiving money from the DPSC to house the inmate." (citing *Wells*, *Cooley*, *Harper*, and *Gullette*)); *Seaman*, 834 So. 2d at 1292 ("[O]ur supreme court instructs us that once a prisoner is transferred to the physical custody of a Sheriff, although he may remain in the *legal* custody of the DPSC, he is considered to be in the custody of the Sheriff who has the exclusive responsibility for his work assignment and safekeeping." (citing *Harper*)).

2. The federal Fifth Circuit holds that DPSC bears responsibility for a parish jail.

Notwithstanding this settled Louisiana law, the Fifth Circuit has adopted the opposite view for suits filed in federal court. Specifically, in *Crittindon*, 37 F.4th 177, the Fifth Circuit summarily stated: "DPSC is responsible for the local jails once they house DPSC prisoners." *Id.* at 191. The Fifth Circuit cited no statute or judicial decision for that proposition. Instead, in the remainder of the paragraph, the Fifth Circuit

claimed that "the Basic Jail Guidelines"—and DPSC's corresponding ability to perform "audits of local parish jails"—were "ample evidence that these DPSC officials ha[ve] power to control the facilities in which DPSC house[s] its prisoners." *Id.* And that is the end of the paragraph.

In dissent, Judge Oldham explained that the Fifth Circuit had just badly mangled Louisiana law. *See id.* at 200 (Oldham, J., dissenting) ("Louisiana state law is undisputedly clear that a sheriff has 'absolute authority over [such an] inmate without any control whatsoever exercised by the DPSC.'" (alteration in original) (citing *Harper*, 679 So. 2d at 1323, and *Cooley*, 533 So. 2d at 126)). But, after a 9-7 vote against rehearing en banc, that paragraph in *Crittindon*—along with many other conclusions in that decision—became the law in the Fifth Circuit. *See Crittindon*, 58 F.4th 844.

B. Procedural Background

1. Plaintiffs James Murray, Latavius Paschal, and Antone Henderson were previously held at "the Madison Parish Correctional Center, a parish jail in Tallulah, Louisiana." App.3a, 21a. Madison Parish is located within the geographic jurisdiction of the Louisiana Second Circuit Court of Appeal. *See* C. A. Marvin, *History of the Court, Court of Appeal, Second Circuit*, la2nd.org/history-of-the-court/ (last visited Oct. 31, 2026). This is the same parish—and the same parish jail system—where the *Wells* prisoner was alleged to have received inadequate medical treatment.

When they were held at the Madison Parish jail, Plaintiffs were not DPSC prisoners. Instead, they

were pretrial detainees awaiting disposition of their criminal cases. App.3a, 21a. Madison Parish does, however, also hold DPSC prisoners who already have been convicted and sentenced. *See id.*

According to Plaintiffs, they "were assaulted" by prisoners at the Madison Parish jail. App.21a. In this 42 U.S.C. § 1983 suit, Plaintiffs have sued the former DPSC Secretary (James LeBlanc) and the DPSC Chief of Operations (Seth Smith) in their individual capacities in federal court, alleging federal constitutional violations.[3] Specifically, Plaintiffs "claim that LeBlanc and Smith caused constitutionally deficient conditions of confinement and that they were deliberately indifferent to what befell Plaintiffs." *Id.* For ease of reference, this petition will refer to LeBlanc and Smith collectively as "Louisiana."

2. In the proceedings below, Louisiana moved for summary judgment based on qualified immunity. Relevant here, Louisiana protested that, under Louisiana law, a parish sheriff alone (not DPSC) has authority and control over the prisoners at his parish jail. App.23a. As a result, the sheriff, not DPSC officials, are liable for any alleged federal constitutional violations at the parish jail.

The district court rejected Louisiana's argument via oral reasons from the bench. The district court stated that "*Crittindon* couldn't be clearer.... 'DPSC is

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[3] As the Fifth Circuit observed, Plaintiffs also sued LeBlanc and Smith in their official capacities, but Plaintiffs "have represented" to the Fifth Circuit "that they will stipulate or move to dismiss those official-capacity claims, which they 'intend to dismiss or abandon.'" App.3a n.1.

responsible for local jails once they house DPSC prisoners.'" App.24a–25a. The district court continued on to quote the full paragraph in *Crittindon*, ultimately concluding that "Defendants err in arguing that [DPSC] had no responsibility over what befalls pretrial detainees at this local jail." App.25a–26a. The district court subsequently entered a minute entry stating that *Crittindon* "establishes that [DPSC] has responsibility over the local jails once they house [DPSC] prisoners." App.17a.

3. Louisiana appealed to the Fifth Circuit, explaining that LeBlanc and Smith are entitled to qualified immunity because "state law" assigns sole authority and control over parish prisoners to the parish sheriff, not DPSC. App.10a. Louisiana emphasized that this is especially so because, unlike with the DPSC prisoners at issue in *Crittindon*, Plaintiffs here were pretrial detainees and not DPSC prisoners at all.

A Fifth Circuit panel agreed with the district court's "'purely legal' conclusion that LeBlanc and Smith went awry in contending that DPSC 'had no responsibility over what befalls pretrial detainees at' [the Madison Parish jail]." App.10a.[4] At every turn, the panel found itself "bound by [the] decision in *Crittindon*" to hold as much. App.2a; *id.* at 10a ("*Crittindon* compels us"), 12a ("[b]ound by *Crittindon*"), 16a ("our precedent compels"). The Fifth Circuit did not read *Crittindon* to turn on whether the particular

[4] The Fifth Circuit also held that it lacked interlocutory appellate jurisdiction to consider numerous questions of fact. App.10a, 16a. Those questions are not raised here.

plaintiffs were DPSC prisoners—so long as the relevant jail housed both DPSC and non-DPSC prisoners. App.14a. And to *Crittindon*'s sparse reasoning, the panel added that "local jails certainly benefit from receiving *per diem* payments for housing DPSC's prisoners." App.12a; *contra Gullette*, 765 So. 2d at 470 ("agree[ing]" with *Cooley* and *Harper* that, under Louisiana law, DPSC's "payment ... of a per diem amount in no way affects the control exercised by the sheriff over this specific obligation"). Thus, the panel "agree[d] with the district court that, under *Crittindon*, LeBlanc and Smith have at least some authority over facilities like [the Madison Parish jail] that house DPSC's prisoners—even if they also house pretrial detainees." App.16a.

4. Louisiana then filed a petition for rehearing en banc asking the Fifth Circuit "to reconsider *Crittindon*'s claim that 'DPSC officials ha[ve] power to control the [local] facilities in which DPSC house[s] its prisoners.'" CA5 ECF 87 at vi (alteration in original) (quoting *Crittindon*, 37 F.4th at 191).

Crittindon "fundamentally conflicts with Louisiana law and Louisiana state court precedents," explained Louisiana. *Id.* at iii. Indeed, not only does *Crittindon* "not so much as mention *Harper*, *Gullette*, and *Wells* or La. R.S. §§ 15:704 and 15:706(C)," but it also relies on justifications "squarely rejected in *Gullette* and *Wells* as *insufficient* to give DPSC power and responsibility over local jails." *Id.* at iv–v.

Louisiana emphasized that it was being subjected to diametrically opposed legal systems within its borders: "Had [Plaintiffs] filed this suit [in state court

within the jurisdiction of Louisiana's Second Circuit Court of Appeal], they would have lost (against DPSC officials) under the Second Circuit's decisions in *Gullette* and *Wells*. But because they filed in federal court, *Crittindon* gives them an end-run around Louisiana law." *Id.* at v.

Louisiana thus urged the Fifth Circuit to correct course either by granting en banc review or by certifying the issue to the Louisiana Supreme Court: "During oral argument at the panel stage, Louisiana suggested that certification to the Louisiana Supreme Court could solve the problem—but barring that step, Louisiana's only hope is to ask the full Court itself to bring its precedent in line with Louisiana law." *Id.* at vi. The Fifth Circuit declined to grant en banc review. App.30a.

REASONS FOR GRANTING THE PETITION

I. LOUISIANA IMPROPERLY IS SUBJECT TO DUELING SYSTEMS OF LAW.

This case presents a problem that no sovereign state should face in our federalist system: Louisiana's officials are immune from liability under its own courts' interpretation of state law but are subject to liability in federal court under the federal courts' rejection of that interpretation of state law.

Under this Court's precedents, this problem should never have arisen because federal courts must follow state law as interpreted by that state's courts where that law applies. Yet the Fifth Circuit's entrenched precedent does the exact opposite: It establishes a liability rule for suits in federal courts that Louisiana

state courts have expressly rejected. And this case starkly illustrates the absurdity of these dueling systems of law in Louisiana: Because his suit was in state court, the prisoner in *Wells* had no claim against DPSC based on alleged harms at the Madison Parish jail, yet these Plaintiffs have a claim against DPSC based on alleged harms within the same parish jail system simply because they filed in federal court. This Court's precedents squarely foreclose this absurdity and thus compel reversal.

A. Federal Courts Must Follow Applicable State Law As Interpreted by That State's Appellate Courts.

Our legal system does not permit "one rule of state law for litigants in the state courts and another rule for litigants who bring the same question before the federal courts[.]" *Fidelity Union Tr. Co.*, 311 U.S. at 180; *accord King v. Order of United Com. Travelers of Am.*, 333 U.S. 153, 157–58 (1948) ("So long as it does not impinge on federal interests, a state may shape its own law in any direction it sees fit, and it is inadmissible that cases dependent on that law should be decided differently according to whether they are before federal or state courts."). Put otherwise, no state and its citizens fairly may be subject to "two divergent or conflicting systems of law." *West*, 311 U.S. at 236.

To avoid that problem, the rules of the road for federal courts have been clear for nearly a century: "State law is to be applied in the federal as well as the state courts and it is the duty of the [federal courts] in every case to ascertain from all the available data what the

state law is and apply it rather than to prescribe a different rule[.]" *Id.* at 237. That duty, this Court has explained, means that federal courts are bound by the state courts' own interpretations of state law in all but the narrowest circumstances.[5]

That is principally so where a state's high court "has spoken." *Id.* at 236. In that case, the state high court's "pronouncement is to be accepted by federal courts as defining state law unless it has later given clear and persuasive indication that its pronouncement will be modified, limited[,] or restricted." *Id.*; *accord Wichita Royalty Co.*, 306 U.S. at 107 ("It was the duty of the federal court to apply the law of Texas as declared by its highest court."); *Fidelity Union Tr. Co.*, 311 U.S. at 177 ("The highest state court is the final authority on state law[.]"); *King*, 333 U.S. at 158 (explaining that, "when the issue confronting a federal court has previously been decided by the highest court in the appropriate state," that decision is "binding on federal courts"); *see Johnson v. Fankell*, 520 U.S. 911, 916 (1997) ("Neither this Court nor any other federal tribunal has any authority to place a construction on a state statute different from the one rendered by the highest court of the State.").

The Court also has rejected any suggestion that federal courts are "free to choose their own rules of decision whenever the highest court of the state has not

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[5] Although this rule (which implicates *Erie* and its progeny, as well as the Rules of Decision Act, 28 U.S.C. § 1652) often arises in the diversity context, the Court has explained that "the same principle may be applied for the same reasons" in non-diversity cases. *C.I.R. v. Bosch's Est.*, 387 U.S. 456, 465 (1967); *accord* Wright & Miller, *Fed. Prac. & Proc. Juris.*, § 4520 (3d ed.).

spoken." *West*, 311 U.S. at 236. Rather, federal courts must follow the decisions of "an intermediate appellate state court" unless there are "other persuasive data that the highest court of the state would decide otherwise." *Id.* at 237; *accord King*, 333 U.S. at 158 (collecting citations for the proposition that "federal courts are bound by decisions of a state's intermediate appellate courts unless there is persuasive evidence that the highest state court would rule otherwise").

Because the federal courts are bound to follow state courts' interpretations of state law absent extraordinary circumstances, the risk of conflicting legal systems within the same state is virtually non-existent. In other words, there is "uniformity of decision within each state." *King*, 333 U.S. at 157.

B. The Fifth Circuit Has Rejected the Louisiana State Courts' Decisions, Creating One Rule for Federal Cases while the Opposite Rule Applies in State Cases.

That is not life in Louisiana today. Citing no Louisiana statute or judicial decision, the Fifth Circuit has established a liability rule that the Louisiana state courts have rejected. Worse, the Fifth Circuit relied on thin justifications that the Louisiana state courts have rejected. And this case is Exhibit A of the absurd results generated by these conflicting rules: This case survived dismissal because Plaintiffs filed their suit in federal court, but the *Wells* claim failed because the plaintiff there—housed in the same Madison Parish jail system where Plaintiffs were housed—filed in

state court. Reversal to bring the Fifth Circuit's jurisprudence in line with Louisiana law is plainly warranted.

1. Start with the conflict. Citing no Louisiana authority, the Fifth Circuit holds that "DPSC is responsible for the local jails once they house DPSC prisoners." *Crittindon*, 37 F.4th at 191. That is the rule the Fifth Circuit applied below in declining to grant qualified immunity to the DPSC defendants: "[U]nder *Crittindon*, LeBlanc and Smith have at least some authority over facilities like MPCC that house DPSC's prisoners—even if they also house pretrial detainees." App.16a.

That rule is directly contrary to Louisiana statutory law and nearly 40 years of settled Louisiana precedents. *See supra* pp.6–11. By statute, Louisiana has designated a sheriff alone "the keeper of the public jail of his parish," who "shall by all lawful means preserve the peace and apprehend all disturbers thereof, and other public offenders." La. R.S. § 15:704. Applying that statute, the Louisiana state courts have unanimously concluded that the sheriff alone holds absolute authority over prisoners at his jail, and DPSC holds none. That includes the Louisiana Supreme Court's adoption of the Fourth Circuit's conclusion that "the sheriff has absolute authority over the inmate without any control whatsoever exercised by [] DPSC." *Harper*, 679 So. 2d at 1323 (quoting *Cooley*, 533 So. 2d at 127). That also includes the Second and Third Circuits' agreement with *Harper* and *Cooley*. *See Gullette*, 765 So. 2d at 470 (the sheriff has "complete responsibility for the discipline and daily physical protection of prisoners"); *Wells*, 72 So. 3d at 926 ("There is no statute or

regulation which would give any arm of the DPSC the power to control what a sheriff does with prisoners in his custody."); *Seaman*, 834 So. 2d at 1292 (the sheriff "has the exclusive responsibility for [a prisoner's] work assignment and safekeeping").

This conflict is directly prohibited by this Court's longstanding precedents. Louisiana's highest court "has spoken" on this issue, *West*, 311 U.S. at 236, by holding sheriffs, not DPSC, "100% at fault" for alleged injuries at their parish jails, *Harper*, 679 So. 2d at 1324. The Fifth Circuit should have deemed itself bound by that "pronouncement." *West*, 311 U.S. at 236. And even if the Louisiana Supreme Court had not spoken, the unanimous view of three intermediate appellate courts—the Louisiana Second, Third, and Fourth Circuits—is equally binding on the federal Fifth Circuit. *See id.* at 237. Yet the Fifth Circuit did not so much as acknowledge those decisions in adopting its contrary rule.

2. This conflict is even more troubling because the only justifications the Fifth Circuit identified for its contrary rule have been expressly rejected by the Louisiana state courts.

First, *Crittindon* cited "the promulgation of the Basic Jail Guidelines" as "ample evidence that [] DPSC officials ha[ve] power to control the facilities in which DPSC house[s] its prisoners." 37 F.4th at 191. But *Gullette* rejected that claim as "specious." 765 So. 2d at 470. That is because, "[a]s the name guidelines implies, this agreement merely sets forth a general outline of policy and procedure for the housing of

[DPSC] inmates." *Id.* DPSC still "has 'no power to control what a sheriff does with the prisoners in his custody.'" *Id.* (quoting *Harper*, 679 So. 2d at 1323). Put otherwise, the Guidelines do not "confer upon [DPSC] any part of the absolute statutory authority given to the parish sheriffs regarding obligations relating to the day-to-day custody of inmates in parish facilities." *Id.* That duty is "solely" the sheriff's. *Id.*

Wells reaffirmed that point. It held that a Louisiana jury was "correct[ly]" instructed that "[t]he Basic Jail Guidelines are not intended[,] either in purpose or practice, to confer upon [DPSC] any part of the absolute statutory authority given to the parish Sheriffs regarding obligations relating to the day-to-day custody of inmates in parish facilities." 72 So. 3d at 926.

The Fifth Circuit thus expressly overrode the Louisiana state courts in citing the Guidelines as a reason to conclude that DPSC now shares the sheriffs' absolute and exclusive authority over the parish jails.

Second, *Crittindon* relied on "DPSC's audits of local parish jails" as evidence of its supposed power over those facilities. 37 F.4th at 191. But *Gullette* and *Wells* expressly rejected that argument, too. *Gullette* explained that "the periodic inspection of the facility [does not] impart control sufficient to impose liability upon [DPSC]." 765 So. 2d at 470. And *Wells* likewise approved a jury instruction stating that "[p]eriodic inspections of a parish jail for compliance with [DPSC] Basic Jail Guidelines does not give [DPSC] 'authority and control' over the facility, so as to create a duty to an inmate." 72 So. 3d at 926.

Third, in the decision below, the Fifth Circuit panel tried to supplement *Crittindon*'s bald paragraph by noting that "the local jails certainly benefit from receiving *per diem* payments for housing DPSC's prisoners." App.12a. But virtually every Louisiana state court has rejected a sheriff's receipt of "money from the DPSC to house the inmate" as a basis for changing Louisiana law to divest a sheriff of his "absolute authority over an inmate sentenced to hard labor and committed to the DPSC but housed in a parish jail[.]" *Henderson*, 190 So. 3d at 1291–92 (quoting *Wells*, 72 So. 3d at 924, in turn citing *Cooley*, 533 So. 2d at 126–27, and *Harper*, 679 So. 2d at 1322–24); *see Gullette*, 765 So. 2d at 470 ("We agree with the *Cooley* court that [DPSC's] payment to [the parish jail] of a per diem amount in no way affects the control exercised by the sheriff over this specific obligation."). The panel's brief gesture at the per diem, therefore, is not a legitimate basis to reject the unanimous position of the Louisiana state courts on this matter of Louisiana law.

3. The facts of this case well illustrate the conflict between the federal and state systems. Recall that the prisoner in *Wells* was alleged to have suffered inadequate medical treatment at a Madison Parish jail. At trial, he was effectively barred from recovering against DPSC as to that claim because of jury instructions stating that DPSC has no "'authority and control' over the facility, so as to create a duty to an inmate." 72 So. 3d at 926. In other words, he had no viable claim against DPSC.

Plaintiffs in this case are in exactly the same position. They claim to have suffered injuries while housed within the same Madison Parish jail system—and

they seek to recover damages against DPSC officials for those injuries. If they had filed this case in Madison Parish state court, however, this case would have been dismissed under binding Second Circuit precedent (*Gullette* and *Wells*) and binding Supreme Court precedent (*Harper*). By filing in federal court, however, they have survived dismissal because *Crittindon* allows them to argue that "*Crittindon* couldn't be clearer": "DPSC is responsible for local jails once they house DPSC prisoners." App.24a–25a.

The upshot is a conflict within Louisiana that this Court has long prohibited: "one rule of state law for litigants in the state courts and another rule for litigants who bring the same question before the federal courts[.]" *Fidelity Union Tr. Co.*, 311 U.S. at 180. Louisiana, its officials, and its private citizens fairly cannot be subject to "two divergent or conflicting systems of law." *West*, 311 U.S. at 236. That is why reversal—bringing the Fifth Circuit's jurisprudence in line with the Louisiana state courts—is plainly warranted.

II. THIS ISSUE IS EXCEPTIONALLY IMPORTANT, AND THIS IS THE PERFECT VEHICLE TO RESOLVE IT.

Louisiana also cannot overstate the importance of this issue—and the fitness of this vehicle to resolve it.

1. This issue is principally important to Louisiana because it abridges Louisiana's separation of powers. By statute—reinforced through unanimous Louisiana appellate court decisions—Louisiana has drawn a line of responsibility between DPSC and local sheriffs at the parish jailhouse doors. Every prisoner behind those doors, whether a DPSC prisoner or a pretrial de-

tainee, is subject to the parish sheriff's "absolute authority ... without any control whatsoever exercised by the DPSC." *Harper*, 679 So. 2d at 1323 (citation omitted). That rule has two salutary consequences: *First*, it protects DPSC from liability for however a parish sheriff operates (or fails to properly operate) his jail; and *second*, it protects the sheriff himself from DPSC's intermeddling in his local jail affairs.

The Fifth Circuit, however, has erased that separation of powers. By deeming DPSC "responsible for the local jails once they house DPSC prisoners," *Crittindon*, 37 F.4th at 191, the Fifth Circuit has both created liability for DPSC that Louisiana law expressly bars and opened the local jails up to DPSC intermeddling that Louisiana law expressly bars.

It is difficult to imagine a more-damaging blow to a state's sovereignty than this. "Within wide constitutional bounds, States are free to structure themselves as they wish." *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 183 (2022); *see Snyder v. United States*, 603 U.S. 1, 14 (2024) ("As this Court has long recognized, a State 'defines itself as a sovereign through the structure of its government, and the character of those who exercise government authority.'" (citation omitted)); *Schuette v. BAMN*, 572 U.S. 291, 327 (2014) (Scalia, J., concurring in the judgment) (emphasizing "the near-limitless sovereignty of each State to design its governing structure as it sees fit"). In the specific context of state prisons, moreover, the Court has emphasized that "federal courts do not sit to supervise state prisons, the administration of which is [of] acute interest to the States." *Meachum v. Fano*, 427 U.S. 215, 229 (1976). Yet the Fifth Circuit has

abridged both principles in one cut: It has restructured Louisiana's government contrary to Louisiana law, dictating how Louisiana's local jails must operate and who must be responsible for those operations.

2. That sovereign harm to Louisiana carries extraordinary economic harms as well. Predictably, prisoners housed in local parish jails are seeking to cash in on the Fifth Circuit's rule by suing *both* sheriffs and DPSC officials in federal court for injuries allegedly suffered at parish jails. In an emerging trend, sheriffs are settling out of these cases for pennies, while DPSC officials must either acquiesce in a settlement or go to trial and face the risk of exorbitant judgments—even though Louisiana law bars DPSC's liability altogether.[6]

Take one pending case, *Young v. LeBlanc*, where a jury recently returned a verdict against DPSC officials in their individual capacities for the injuries of a pretrial detainee in a parish jail—the very theory pressed by Plaintiffs here. No. 3:23-cv-681 (M.D. La. Dec. 11, 2025), ECF 196. Pursuant to *Crittindon*, the district court instructed the jury that, "when [DPSC] houses Department of Corrections sentenced prisoners in those local jails, the DPSC shares responsibility to ensure those local jails are being operated in a way that

[6] Plaintiffs here settled their claims against the Madison Parish Sheriff, Dist. Ct. ECF 183, but continued pursuing LeBlanc and Smith. In *Young v. LeBlanc*, the plaintiff settled with the Calcasieu and Catahoula Parish Sheriffs for a combined $115,000 before obtaining a verdict against the DPSC officials. No. 3:23-cv-681 (M.D. La.), ECF 223 at 5, ECF 206-1 at 2, 4 (settlement agreement).

does not violate the Constitution." Ruling at 13, *Young*, No. 3:23-cv-681 (M.D. La. July 14, 2026), ECF 233 (alteration in original). The jury awarded $50,000 in compensatory damages and $100,000 in punitive damages against each official—for a total of $250,000. *Id.* at 2. And the plaintiff's counsel (represented by Plaintiffs' counsel here) have demanded nearly $600,000 in fees and costs. Mem. in Support of Mot. for Attorneys' Fees, Costs, and Expenses at 25, *Young*, No. 3:23-cv-681 (M.D. July 24, 2026), ECF 234-1.

Unfortunately, *Young* is not an outlier. In *Green v. LeBlanc*, a prisoner (also represented by Plaintiffs' counsel here) was allegedly assaulted at the same Madison Parish jail and has sued DPSC officials for damages. First Amended Complaint, No. 3:26-cv-00803 (W.D. La.), ECF 7. Similarly, in *Elzey v. LeBlanc*, No. 3:26-cv-00793 (W.D. La.), Plaintiffs' counsel have filed a virtually identical complaint on behalf of another plaintiff housed at the same Madison Parish jail, seeking damages against DPSC officials, *see* ECF 4.

Crittindon has created a playbook against DPSC officials that has led and will continue to lead to hundreds of thousands (if not millions) of dollars in damages and fees that are barred by Louisiana law. And that trend will only grow unless this Court steps in to correct the Fifth Circuit's abridgement of Louisiana state law as uniformly interpreted and applied by Louisiana state courts.

3. This is the right vehicle in which to do so. In declining to grant qualified immunity below, the Fifth Circuit addressed only the "purely legal" question

whether DPSC is responsible under Louisiana law for local parish jails. App.10a (quotation marks omitted). Accordingly, the clean and only question presented here is whether the Fifth Circuit violated this Court's directives by erecting dueling systems of law within Louisiana regarding a sheriff's absolute authority over his jail.[7]

And there is no better set of facts upon which to answer that question: The prisoner in *Wells* had no viable claim against DSPC because that suit was filed in state court, but these Plaintiffs—claiming to have suffered harm under the authority and control of the same parish sheriff at issue in *Wells*—have survived dismissal because they filed in federal court. The absurdity cries out for correction.

III. ALTERNATIVELY, THE COURT SHOULD VACATE AND REMAND FOR CERTIFICATION TO THE LOUISIANA SUPREME COURT.

The proper disposition of this petition is to grant review and outright reverse because the Louisiana state courts' decisions plainly provide the rule of decision that requires the grant of qualified immunity and dismissal of this lawsuit. But, if the Court were not

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[7] Because the questions presented turn on the Fifth Circuit's failure to comply with the Rules of Decision Act and *Erie* and its progeny, they raise federal issues plainly appropriate for this Court's review. But the Court also has made clear that it "undoubtedly should" grant review on a pure question of state law to prevent "blatant federal-court nullification of state law." *Leavitt v. Jane L.*, 518 U.S. 137, 144–45 (1996) (per curiam). Even if there were no federal issue here, therefore, the Fifth Circuit's overriding of Louisiana law would warrant this Court's intervention.

inclined to grant plenary review, it should at least vacate the Fifth Circuit's decision below and remand with instructions to certify this issue to the Louisiana Supreme Court.

This Court recently took that path in *McKesson v. Doe*, 592 U.S. 1, after which the Fifth Circuit certified—and the Louisiana Supreme Court accepted and answered—critical questions of Louisiana law. *See Doe v. McKesson*, 2 F.4th 502, 504 (5th Cir. 2021) (certifying the state-law questions on remand); *Doe v. McKesson*, 339 So. 3d 524, 530–36 (La. 2022) (answering the certified questions). At a minimum, the Court should do the same here for materially identical reasons.

As the Court recognized, "the Rules of the Louisiana Supreme Court" permit the Fifth Circuit to "certify dispositive questions of Louisiana law" where there is an "absence of 'clear controlling precedents in the decisions of the' Louisiana Supreme Court." *McKesson*, 592 U.S. at 4–5 (quoting La. Sup. Ct. R. XII). Of course, as discussed above, the Louisiana Supreme Court's decision in *Harper* is clearly controlling—and thus, outright reversal here makes the most sense. But, if the Court thought it was a closer call, then certification would be the natural solution.

That is especially so for key reasons the Court cited in *McKesson*. Here, as there, "[t]he constitutional issue" presented by Plaintiffs' § 1983 suit "is implicated only if Louisiana law permits recovery [against DPSC] in the first place." *Id.* at 4. (It does not.) And given "the unusual circumstances we confront here"—the Fifth Circuit's creation of conflicting legal systems within

Louisiana—this is precisely when a federal court should "first seek[] guidance on potentially controlling Louisiana law from the Louisiana Supreme Court." *Id.* at 6. If there were any doubt, the Fifth Circuit's restructuring of Louisiana government and its officials' liability (and the concomitant economic costs), *see supra* Section II, would confirm that the Louisiana Supreme Court should decide this issue of Louisiana law once and for all.

CONCLUSION

The Court should grant plenary review and reverse or, alternatively, vacate and remand for certification to the Louisiana Supreme Court.

Respectfully submitted,

ELIZABETH B. MURRILL
Attorney General
J. BENJAMIN AGUIÑAGA
Solicitor General
Counsel of Record
KELSEY L. SMITH
Deputy Solicitor General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third St.
Baton Rouge, LA 70802
(225) 506-3746
AguinagaB@ag.louisiana.gov

APPENDIX

TABLE OF APPENDICES

Page

APPENDIX A — OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, FILED JULY 7, 2026 . . . . . 1a

APPENDIX B — MINUTE ENTRY OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA, FILED JANUARY 16, 2025 . . . . . 17a

APPENDIX C — ORAL REASONS OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA, DATED JANUARY 15, 2025 . . . . . 19a

APPENDIX D — PETITION FOR DENYING REHEARING OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, FILED AUGUST 4, 2026. . . . . 29a

APPENDIX A — OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, FILED JULY 7, 2026

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 25-30076

JAMES MURRAY; LATAVIUS PASCHAL;
ANTONE HENDERSON,

Plaintiffs-Appellees,

v.

JAMES LEBLANC, SECRETARY OF
DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS; SETH SMITH,

Defendants-Appellants.

Filed July 7, 2026

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:21-CV-592

Before ELROD, *Chief Judge*, and RICHMAN and WILLETT, *Circuit Judges.*

PER CURIAM.*

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

Appendix A

James Murray, Latavius Paschal, and Antone Henderson allege that they were attacked in a Louisiana parish jail where they were awaiting trial. Their attackers, they maintain, consisted of both pretrial detainees like themselves and prisoners who were serving sentences in the custody of Louisiana's Department of Public Safety and Corrections. They sued James LeBlanc, the former Secretary of DPSC, and Seth Smith, his Chief of Operations, alleging that LeBlanc and Smith violated Plaintiffs' constitutional rights by holding sentenced prisoners alongside pretrial detainees, "functional[ly]" without classifying them, supervising them, or performing proper investigations. Both sides moved for summary judgment; LeBlanc and Smith contended that they should receive qualified immunity. The district court denied both motions, concluding that fact issues precluded summary judgment.

LeBlanc and Smith filed this interlocutory appeal, again insisting that they have qualified immunity. But, bound by our decision in *Crittindon v. LeBlanc*, 37 F.4th 177 (5th Cir. 2022), we must reject this argument. We furthermore lack jurisdiction to resolve the factual questions that the district court identified, per *Kinney v. Weaver*, 367 F.3d 337, 346-48 (5th Cir. 2004) (en banc), so we DISMISS the appeal.

Appendix A

I

During all times relevant to this case, all Plaintiffs were pretrial detainees at the Madison Parish Correctional Center, a parish jail in Tallulah, Louisiana. Each alleges that, while at MPCC, he was assaulted at least once by both pretrial detainees and convicted inmates, the latter of which are in DPSC's custody. *See* La. R.S. §§ 14:2(4), 15:824(A), (C)(1). Plaintiffs sued, among others, LeBlanc and Smith in their individual capacities.[1] As relevant here, they maintain that LeBlanc and Smith's "conduct of indiscriminately holding sentenced prisoners alongside pretrial detainees at MPCC without functional classification, investigation, or staff supervision," which "allow[ed] the risk of harm from unchecked violence to flourish," violated Plaintiffs' Fourteenth Amendment

1. Plaintiffs also sued LeBlanc and Smith in their official capacities, but they have represented to us that they will stipulate or move to dismiss those official-capacity claims, which they "intend to dismiss or abandon." LeBlanc and Smith's sovereign-immunity arguments have thus become irrelevant, and we will not address them. *See*, *e.g.*, *Russell v. Jones*, 49 F.4th 507, 513 (5th Cir. 2022) ("[S]tate sovereign immunity applies only to state officials in their official capacities.").

In late August 2024, the governor of Louisiana appointed a new DPSC Secretary. Per the Federal Rules of Civil Procedure, "when a public officer who is a party in an official capacity . . . ceases to hold office while the action is pending," the "officer's successor is automatically substituted as a party." Fed. R. Civ. P. 25(d). But the claims at issue in this appeal now involve only LeBlanc's individual capacity, so the new Secretary is not "automatically substituted" here. *See id.*

rights.[2] *See* U.S. Const. amend. XIV, § 1. Specifically, Plaintiffs aver that MPCC lacked a classification system in compliance with the Basic Jail Guidelines, *see infra* p. 8, as well as adequate staffing, which lack fueled violence at MPCC and led to the attacks on Plaintiffs.

LeBlanc and Smith each moved to dismiss the claims against him and asserted qualified immunity. The district court denied both motions. Both sides then moved for summary judgment, and the district court orally denied both motions from the bench. With respect "to defendants' legal responsibility over pretrial detainees," the district court explained, LeBlanc and Smith "err[ed]" under *Crittindon* "in arguing that [DPSC] had no responsibility over what befalls pretrial detainees at this local jail."

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2. Plaintiffs also brought Eighth Amendment individual-capacity claims against LeBlanc and Smith, but they have also proposed stipulating or moving to dismiss those claims. That is wise: "The protections of the Eighth Amendment against cruel and unusual punishment are limited in scope to convicted prisoners and do not apply to pretrial detainees such as the plaintiffs." *Morin v. Caire*, 77 F.3d 116, 120 (5th Cir. 1996). "The constitutional rights of a pretrial detainee . . . flow from both the procedural and substantive due process guarantees of the Fourteenth Amendment." *Hare v. City of Corinth*, 74 F.3d 633, 639 (5th Cir. 1996) (en banc) (citing *Bell v. Wolfish* 441 U.S. 520 (1979)); *accord Bell*, 441 U.S. at 535 n.16; *Ingraham v. Wright*, 430 U.S. 651, 671 n.40 (1977). Because Plaintiffs have waived their Eighth Amendment claims, we leave those be. *See*, *e.g.*, *Rollins v. Home Depot USA*, 8 F.4th 393, 397 (5th Cir. 2021) ("Whereas forfeiture is the failure to make the timely assertion of a right, waiver is the intentional relinquishment or abandonment of a known right.'" (quoting *United States v. Olano*, 507 U.S. 725, 733 (1993))).

But with that "legal question resolved," the district court concluded that "numerous questions of fact" remained, "precluding summary judgment." "For instance," the court explained, "there are disputes about the level of involvement of [DPSC]-sentenced inmates in the assaults" on Plaintiffs "and how many [DPSC] inmates were on the units in question." The district court also noted that fact disputes existed regarding whether DPSC "fixed" the "classification system, details about the audits, the extent to which [DPSC]-sentenced inmates were transferred when needed, and the adequacy of training and compensation of team leaders." "[C]onstruing the facts in a light most reasonable to the non-mover" for each motion, the district court determined that "a reasonable juror could find in favor of the non-mover for each claim." The court thus denied both summary-judgment motions. LeBlanc and Smith filed this interlocutory appeal.

II

We have jurisdiction to rule on the legal question that this appeal involves—but that is all. "Ordinarily," under 28 U.S.C. § 1291, "we have jurisdiction only over final decisions of district courts." *Marler v. Adonis Health Prods.*, 997 F.2d 1141, 1142 (5th Cir. 1993) (citing 28 U.S.C. § 1291); *see id.* ("Section 1291's finality requirement 'embodies a strong congressional policy against piecemeal reviews, and against obstructing or impeding an ongoing proceeding by interlocutory appeals.'" (quoting *United States v. Nixon*, 418 U.S. 683, 692 (1974))). Final decisions

are those that "end[] the litigation on the merits and leave[] nothing for the court to do but execute the judgment." *Id.* (quoting *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978), *superseded by rule on other grounds as recognized in, Microsoft Corp. v. Baker*, 582 U.S. 23 (2017)). Here, the denial of summary judgment to both sides did not end the litigation, so that decision is not final. *E.g.*, *BancPass, Inc. v. Highway Toll Admin., L.L.C.*, 863 F.3d 391, 397 (5th Cir. 2017).

But "we sometimes exercise our jurisdiction over an interlocutory appeal pursuant to the collateral order doctrine," a "narrow exception to the general rule that an appeal under § 1291 must await a final judgment on the merits." *Marler*, 997 F.2d at 1142 (citing *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949)). That doctrine "permit[s] interlocutory appeals 'from a small category of decisions that, although they do not end the litigation, must nonetheless be considered "final."'" *BancPass*, 863 F.3d at 397 (quoting *Swint v. Chambers Cnty. Comm'n*, 514 U.S. 35, 42 (1995)).

Denials of summary-judgment motions that assert qualified immunity fall within that category. "Under the collateral-order doctrine, a denial of summary judgment based on" qualified immunity "is immediately appealable to the extent that the appeal turns on a question of law." *Cooper v. Brown*, 844 F.3d 517, 522 (5th Cir. 2016); *accord Kinney*, 367 F.3d at 346. This is so "because qualified immunity is more than 'a mere defense to liability'"—it is "also 'an immunity from suit.'" *Carswell v. Camp*, 54 F.4th

307, 311 (5th Cir. 2022) (quoting *Pearson v. Callahan*, 555 U.S. 223, 237 (2009)). "An immunity from suit is not only a means of prevailing on the merits, but an 'entitlement not to stand trial or face the other burdens of litigation.'" *Shanks v. AlliedSignal, Inc.*, 169 F.3d 988, 991 (5th Cir. 1999) (quoting *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)). "This entitlement is 'effectively lost if a case is erroneously permitted to go to trial.'" *Id.* (quoting *Swint*, 514 U.S. at 42). We thus hear appeals from interlocutory orders denying qualified immunity, including denials of summary-judgment motions claiming that immunity. *E.g.*, *Cooper*, 844 F.3d at 522.

But our review in that posture is circumscribed. Where, as here, "the district court denies an official's motion for summary judgment predicated upon qualified immunity, the district court can be thought of as making two distinct determinations, even if only implicitly." *Kinney*, 367 F.3d at 346. First, the district court decides "that certain conduct 'violate[d] clearly established . . . rights of which a reasonable person would have known.'" *Finch v. Fort Bend Indep. Sch. Dist.*, 333 F.3d 555, 561 (5th Cir. 2003) (alteration in original) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)); *see also Kinney*, 367 F.3d at 346. "Second, the court decides that a genuine issue of fact exists regarding whether the defendant(s)

did, in fact, engage in such conduct."[3] *Kinney*, 367 F.3d at 346; *accord Finch*, 333 F.3d at 561.

We lack jurisdiction to review the second type of conclusion in an interlocutory appeal. *Kinney*, 367 F.3d at 346. In that posture, "we cannot challenge the district court's assessments regarding the sufficiency of the evidence—that is, the question whether there is enough evidence in the record for a jury to conclude that certain facts are true." *Id.* at 347. Put more simply, we "lack the

3. *Kinney*'s reference to "objective unreasonableness," *see, e.g.*, 367 F.3d at 346, does not add a third qualified-immunity prong. The qualified-immunity inquiry has only two prongs. *E.g.*, *Pearson*, 555 U.S. at 232 ("[T]h[e] [Supreme] Court mandated a two-step sequence for resolving government officials' qualified immunity claims."); *Melton v. Phillips*, 875 F.3d 256, 261 (5th Cir. 2017) (en banc) ("To . . . overcome qualified immunity, the plaintiff must satisfy a two-prong test." (citing *Morgan v. Swanson*, 659 F.3d 359, 371 (5th Cir. 2011) (en banc))); *Trent v. Wade*, 776 F.3d 368, 377 (5th Cir. 2015) ("We have discretion 'in deciding which of the two prongs of the qualified immunity analysis should be addressed first.'" (quoting *Pearson*, 555 U.S. at 242)). First, we determine whether the official violated a constitutional right; next, we assess whether that right was clearly established when the official acted. *Carmona v. City of Brownsville*, 126 F.4th 1091, 1096 (5th Cir. 2025) (quoting *Converse v. City of Kemah*, 961 F.3d 771, 774 (5th Cir. 2020)); *see Baker v. Coburn*, 68 F.4th 240, 251 n.10 (5th Cir. 2023). When our cases speak of "objective unreasonableness," they merely describe how that second inquiry operates; the phrase is "descriptive, not additive." *Lewis v. Walley*, 168 F.4th 327, 332 n.2 (5th Cir. 2026). That must be so: It is always objectively unreasonable to violate a clearly established constitutional right, so the label adds no hurdle beyond the two-pronged framework that the Supreme Court prescribes. *See id.*; *Parker v. LeBlanc*, 73 F.4th 400, 406 n.1 (5th Cir. 2023).

power to review the district court's decision that a genuine factual dispute exists." *Id.* at 348.

But we do have authority to review the first type of conclusion—"the purely legal question whether a given course of conduct," *id.* at 347, would "violate[] clearly established . . . rights," *Finch*, 333 F.3d at 561 (quoting *Harlow*, 457 U.S. at 818); *see also Kinney*, 367 F.3d at 347. "Where factual disputes exist in an interlocutory appeal asserting qualified immunity," we assume that "the plaintiffs' version of the facts [is] true," *Kinney*, 367 F.3d at 348 (citing *Wagner v. Bay City*, 227 F.3d 316, 320 (5th Cir. 2000)), and then evaluate "whether the district court erred in concluding as a matter of law that officials are not entitled to qualified immunity on" that set of facts, *id.* at 347. We "consider only whether the district court erred in assessing the legal significance of the conduct that the district court deemed sufficiently supported for purposes of summary judgment." *Id.* at 348 (citing *Behrens v. Pelletier*, 516 U.S. 299, 313 (1996)). That is, where a defendant has appealed the denial of a summary-judgment motion that asserts qualified immunity, we can review the materiality of any fact disputes—but not their genuineness. *Id.* at 347; *Cunningham v. Castloo*, 983 F.3d 185, 190 (5th Cir. 2020); *Cole v. Carson*, 935 F.3d 444, 452 (5th Cir. 2019) (en banc).

Here, LeBlanc and Smith appealed the denial of their motion for summary judgment asserting qualified immunity. The district court determined that, with regard to LeBlanc and Smith's "legal responsibility over pretrial detainees," LeBlanc and Smith "err[ed]" as a matter of

law "in arguing that [DPSC] had no responsibility over what befalls pretrial detainees at" MPCC. But having "resolved" that "legal question," the district court went on to conclude that "numerous questions of fact" (some of which the district court listed) precluded summary judgment. We may not "review the district court's decision that a genuine factual dispute exists." *Kinney*, 367 F.3d at 348.

We may, however, review the district court's "purely legal" conclusion that LeBlanc and Smith went awry in contending that DPSC "had no responsibility over what befalls pretrial detainees at" MPCC. *See id.* That "the district court said that, in its view, material fact disputes preclude summary judgment does not deprive us of interlocutory appellate jurisdiction," as we "may of course decide whether the factual disputes [that] the district court said were material are in fact material." *Cunningham*, 983 F.3d at 190.

III

A

LeBlanc and Smith maintain that they should receive qualified immunity, urging only that they lack control over pretrial detainees under state law. But *Crittindon* compels us to reject this line of reasoning.

Per that decision, LeBlanc and Smith have at least some authority to control parish jails that house DPSC prisoners, as MPCC allegedly did. *See Kinney*, 367 F.3d

at 348 (noting that we accept the plaintiffs' version of the facts as true in an interlocutory appeal asserting qualified immunity in which fact issues exist). Per a 1990s settlement agreement, any facility that holds prisoners in DPSC's custody must follow the "Basic Jail Guidelines," which are "designed to assure that the fundamental constitutional rights of [DPSC] offenders housed in local jails would not be jeopardized by such housing arrangements." *Crittindon*, 37 F.4th at 182, 191 (alteration in original); *see also Hamilton Plaintiffs v. Williams Plaintiffs*, 147 F.3d 367, 369 (5th Cir. 1998). This is so whether that facility is a state or local one and whether or not it has contracted to house DPSC's prisoners in local jails. *Crittindon*, 37 F.4th at 182, 191; *see* La. R.S. § 15:824(D) (providing that DPSC "may" enter into such contracts with local authorities for those authorities "to house additional prisoners" if DPSC "cannot accept" custody of prisoners committed to it "because of lack of facilities under [DPSC's] control").

And in *Crittindon*, we decided that DPSC has at least some level of control over whether local jails that house DPSC prisoners comply with the Jail Guidelines. 37 F.4th at 191. In that case, "DPSC-sentenced prisoners" sued several state and local officials, including LeBlanc as DPSC Secretary, for the prisoners' overdetention. *Id.* at 184-85. We concluded that, among other things, the DPSC defendants in that case were deliberately indifferent in failing to adopt policies that would ensure the prisoners' timely release. *Id.* at 186-88. This was so because DPSC has some responsibility for "local jails once they house DPSC prisoners"—namely, responsibility to ensure that the jails comply with the Jail Guidelines. *Id.* at 191. "DPSC

enters into contracts with local jails to house DPSC's prisoners," but "even jails without DPSC contracts were required to comply with the [Jail] Guidelines as long as they housed DPSC prisoners." *Id.*

DPSC regularly audits local facilities to ensure Jail Guidelines compliance, *id.* at 182, 191, and "when a jail [is] not in compliance, DPSC help[s] the facility reach compliance," *id.* at 191; *see also id.* at 200 (Oldham, J., dissenting) (explaining that "when local jails fail to adhere to the [Jail] Guidelines, all DPSC can do is 'work with them' to try to 'get them in compliance'"). And "[i]f DPSC discovers a jail's noncompliance with the [Jail] Guidelines," DPSC can "remove DPSC prisoners from the institution," *id.* at 182 (majority op.); *accord id.* at 191—though this happens only "in rare scenarios," *id.* at 191. The removal of DPSC prisoners can make a real difference to a local jail because sheriffs receive payment according to the number of DPSC-sentenced prisoners that they hold in their facilities, as well as the number of days that those DPSC inmates spend in the facility. *See* La. R.S. § 15:824(B)(1)(a). Local jails hold approximately half of the sentenced population with less than half of DPSC's budget, so the local jails certainly benefit from receiving *per diem* payments for housing DPSC's prisoners. In short, through the Jail "Guidelines and DPSC's audits of local parish jails, there is ample evidence that these DPSC officials had power to control the facilities in which DPSC housed its prisoners." *Crittindon*, 37 F.4th at 191.

Bound by *Crittindon*, we agree with the district court's determination that LeBlanc and Smith "err[ed]"

in arguing that DPSC "had no responsibility over what befalls pretrial detainees at this local jail." Plaintiffs contend that LeBlanc and Smith violated Plaintiffs' constitutional rights by being deliberately indifferent to the risk of harm to Plaintiffs. In particular, they insist that DPSC prisoners attacked Plaintiffs because LeBlanc and Smith permitted MPCC to hold DPSC's sentenced prisoners and pretrial detainees together in conditions that fostered violence, despite evidence of danger of which LeBlanc and Smith were allegedly aware.[4]

Plaintiffs insist that LeBlanc and Smith committed rights violations with regard to the Jail Guidelines. As they put it themselves, Plaintiffs "challenge Smith's and LeBlanc's conduct of indiscriminately holding sentenced prisoners alongside pretrial detainees at MPCC without functional classification, investigation, or staff supervision, thus allowing the risk of harm from unchecked violence to flourish." If those allegations are true—as we assume at this juncture, *see Kinney*, 367 F.3d at 348 (citing *Wagner*, 227 F.3d at 320)—then, under *Crittindon*, LeBlanc and Smith had authority to help MPCC become Jail Guidelines-compliant again.

But we lack jurisdiction to determine whether MPCC actually hewed to the Jail Guidelines or whether LeBlanc and Smith helped it to do so. *E.g.*, *id.* The factual questions that the district court identified sound in Plaintiffs' claims that MPCC did not comply, *see*, *e.g.*, *Cunningham*, 983

4. LeBlanc and Smith do not argue in this interlocutory appeal that they were not deliberately indifferent—only that they lacked authority over pretrial detainees.

F.3d at 190, but we have no authority to resolve those fact questions in this posture, *Kinney*, 367 F.3d at 347, 348. We may determine only "whether the district court erred in concluding as a matter of law that" LeBlanc and Smith "are not entitled to qualified immunity" on the set of facts that Plaintiffs have alleged. *Id.* at 347; *see id.* at 348 ("Where factual disputes exist in an interlocutory appeal asserting qualified immunity, we accept the plaintiffs' version of the facts as true." (citing *Wagner*, 227 F.3d at 320)). Here, it did not: Under *Crittindon*, if MPCC violated the Jail Guidelines, LeBlanc and Smith had some authority to help MPCC come back into Jail Guidelines compliance.

B

LeBlanc and Smith's contrary arguments miss the mark. To begin, *Crittindon*'s reasoning does not hinge on whether the plaintiffs there were convicted inmates in DPSC's custody or pretrial detainees. Indeed, *Crittindon* made no such distinction. *See generally* 37 F.4th 177. And logic indicates that if LeBlanc and Smith have some control over the conditions at parish jails that house DPSC's sentenced prisoners, such as whether those facilities track the Jail Guidelines, exercise of that authority (or the decision not to exercise it) could affect conditions for all prisoners, including pretrial detainees.

LeBlanc and Smith cite decisions from our court that, in their view, establish that DPSC lacks authority over pretrial detainees. But most of those cases predate the Jail Guidelines and thus could not speak to whether DPSC officials have authority to ensure that local parish jails

comply with those Guidelines. *See generally Thompkins v. Belt*, 828 F.2d 298 (5th Cir. 1987); *O'Quinn v. Manuel*, 773 F.2d 605 (5th Cir. 1985); *Campbell v. Bergeron*, 654 F.2d 719 (5th Cir. 1981) (unpublished table decision), *aff'g* 486 F. Supp. 1246 (M.D. La. 1980). And in any event, none of those cases involve the question whether DPSC officials may be responsible in their individual capacities for parish-jail conditions when that jail houses DPSC prisoners. *See Fairley v. Stalder*, 294 F. App'x 805, 812 (5th Cir. 2008) (dismissing official-capacity claims against the DPSC Secretary because he could not provide relief for harms arising from conditions of confinement in a parish jail—but where no one discussed or cited the Jail Guidelines); *Thompkins*, 828 F.2d at 304 n.8 (stating only that sheriffs have the general duty to administer jails and ensure that prisoners receive proper care); *O'Quinn*, 773 F.2d at 609 (concluding that a plaintiff had not stated facts sufficient to support a claim against the "police jury"); *see also Campbell*, 654 F.2d at 719 (holding a parish sheriff not liable for failure to promulgate policies).

Plaintiffs, for their part, contend that LeBlanc and Smith forfeited their qualified-immunity argument, but that, too, is incorrect. LeBlanc and Smith's motion for summary judgment expressly discussed qualified immunity. *See Rollins*, 8 F.4th at 397 ("A party forfeits an argument by failing to raise it in the first instance in the district court—thus raising it for the first time on appeal—or by failing to adequately brief the argument on appeal."). Indeed, the district court later agreed that LeBlanc and Smith "adequately raise[d] the issue of qualified immunity in their motion."

* * *

As our precedent compels, we agree with the district court that, under *Crittindon*, LeBlanc and Smith have at least some authority over facilities like MPCC that house DPSC's prisoners—even if they also house pretrial detainees. But we lack jurisdiction to resolve the material fact issues that the district court identified. We therefore must dismiss the appeal.

We emphasize what we do not decide today. We reject only the single argument that LeBlanc and Smith urge to support qualified immunity.[5] We do not decide that they lack that immunity. That question remains for the district court on remand.

We DISMISS the appeal.

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5. LeBlanc and Smith raise a number of other issues, but we may not review them at this posture. Again, our interlocutory appellate jurisdiction extends to only a small number of interlocutory orders. *E.g.*, *BancPass*, 863 F.3d at 397. None of the additional questions that LeBlanc and Smith raise fall into that limited category. If LeBlanc and Smith have not forfeited or waived those issues, they may be able to raise them in the district court in the first instance. *See Rollins*, 8 F.4th at 397. Here, we have jurisdiction to hear the appeal only of the denial of qualified immunity.

APPENDIX B — MINUTE ENTRY OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA, FILED JANUARY 16, 2025

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MINUTE ENTRY:
JANUARY 15, 2025
DISTRICT JUDGE JOHN W. deGRAVELLES

CIVIL ACTION
NO. 21-592-JWD-RLB

JAMES MURRAY, *et al.*

VERSUS

JAMES LEBLANC, *et al.*

This matter came on this day for a status conference by zoom.

For oral reasons assigned today, **IT IS ORDERED** that the *Motion for Summary Judgment* (Doc. 191) filed by Defendants James LeBlanc and Seth Smith and the *Plaintiffs' Motion for Summary Judgment against James LeBlanc and Seth Smith* (Doc. 189) are **DENIED**. In short, *Crittindon v. LeBlanc*, 37 F.4th 177, 191 (5th Cir. 2022), establishes that DOC has responsibility over the local jails once they house DOC prisoners. Further,

numerous questions of material fact preclude summary judgment in favor of either party.

The Court encouraged settlement.

Signed in Baton Rouge, Louisiana, on January 16, 2025.

s/ John W. deGravelles
JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

APPENDIX C — ORAL REASONS OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA, DATED JANUARY 15, 2025

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF LOUISIANA

CIVIL ACTION NO. 3:21-00592

JAMES MURRAY, *et al*

VERSUS

JAMES LEBLANC, *et al*

ORAL REASONS VIA ZOOM BY THE HONORABLE JOHN W. DEGRAVELLES UNITED STATES DISTRICT JUDGE

[2]JANUARY 15, 2025

ORAL REASONS

THE COURT: GOOD AFTERNOON, EVERYONE. THANK Y'ALL FOR BEING AVAILABLE ON VERY SHORT NOTICE. I KNOW THAT THERE IS A PRETRIAL CONFERENCE DATE SET, FEBRUARY THE 4TH, A TRIAL DATE OF MARCH THE 17TH AND THERE'S A SETTLEMENT CONFERENCE ON TUESDAY, SO I THOUGHT THIS A GOOD TIME TO READ THE COURT'S ORAL REASONS FOR JUDGMENT ON THE CROSS MOTIONS FOR SUMMARY JUDGMENT.

Appendix C

THIS OF COURSE IS IN *MURRAY VERSUS LEBLANC*, 21-CV-592. AND FOR THE RECORD WILL THE LAWYERS, FIRST FOR THE PLAINTIFF AND THEN THE DEFENDANT, MAKE AN APPEARANCE FOR THE RECORD.

MR. CUMMING: YES, YOUR HONOR. ELIZABETH CUMMING AND EMILY WASHINGTON ON BEHALF OF THE PLAINTIFFS.

THE COURT: ALL RIGHT.

MR. STEWART: WAYNE T. STEWART, HAMMONDS, SILLS, ADKINS, GUICE, NOAH & PERKINS FOR DEFENDANTS LEBLANC AND SMITH.

THE COURT: ALL RIGHT. THIS MATTER COMES BEFORE THE COURT ON TWO CROSS MOTIONS. THE FIRST IS THE *MOTION FOR SUMMARY JUDGMENT* (DOCUMENT 191) FILED BY DEFENDANTS JAMES LEBLANC AND SETH SMITH, (COLLECTIVELY DEFENDANTS).

THIS MOTION IS OPPOSED BY PLAINTIFFS JAMES MURRAY, ANTONE HENDERSON AND LATAVIUS PASCHAL -- I'M PROBABLY MISPRONOUNCING IT AND I APOLOGIZE TO HIM -- (COLLECTIVELY PLAINTIFFS) (DOCUMENT 202). AND DEFENDANTS HAVE FILED A REPLY [3](DOCUMENT 207).

Appendix C

THE SECOND MOTION IS PLAINTIFFS' *MOTION FOR SUMMARY JUDGMENT* AGAINST JAMES LEBLANC AND SETH SMITH, THAT'S (DOCUMENT 189), WHICH IS OPPOSED (DOCUMENT 197) AND FOR WHICH A REPLY WAS FILED (DOCUMENT 203). ORAL ARGUMENT IS NOT NECESSARY.

THE COURT HAS CAREFULLY CONSIDERED THE LAW, THE FACTS IN THE RECORD, AND THE ARGUMENTS AND SUBMISSIONS OF THE PARTIES AND IS PREPARED TO RULE.

PLAINTIFFS WERE THREE PRETRIAL DETAINEES WHO WERE ASSAULTED WHILE HOUSED AT THE MADISON PARISH CORRECTIONAL CENTER, WHICH I'LL SIMPLY REFER TO AS MPCC. MPCC IS A LOCAL JAIL FACILITY OPERATED BY THE SHERIFF, BUT WHICH ALSO HOUSES DOC-SENTENCED INDIVIDUALS IN THE CUSTODY OF THE DOC.

PLAINTIFFS CLAIM THAT LEBLANC AND SMITH CAUSED CONSTITUTIONALLY DEFICIENT CONDITIONS OF CONFINEMENT AND THAT THEY WERE DELIBERATELY INDIFFERENT TO WHAT BEFELL THE PLAINTIFFS.

AT THE MOTION TO DISMISS PHASE, THE COURT HELD THAT THE PLAINTIFFS STATED A VALID CLAIM AGAINST LEBLANC AND HIS #2, SMITH. SPECIFICALLY, PLAINTIFFS SUCCESSFULLY PLED THAT.

Appendix C

(1) LEBLANC KNEW THAT LOCAL FACILITIES NEEDED TO COMPLY WITH THE BASIC JAIL GUIDELINES -- AND I'LL CALL THOSE SIMPLY GUIDELINES OR BJG -- WITH RESPECT TO CLASSIFICATION.

[4](2) THAT DEFENDANT SMITH PASSES KNOWLEDGE OF THE OPERATIONS OF LOCAL FACILITIES AND THEIR COMPLIANCE WITH THE GUIDELINES TO LEBLANC BY VIRTUE OF THEIR RESPECTIVE JOBS AND ACTIONS.

AND (3) THAT SMITH KNEW THAT MPCC FAILED TO MAINTAIN A CLASSIFICATION SYSTEM CONSISTENT WITH THE GUIDELINES AND THAT MPCC IS A VIOLENT FACILITY BASED ON REPORTING FROM LOCAL FACILITIES.

AND (4) DESPITE THEIR KNOWLEDGE ABOUT THE PROBLEMS AT AND DEFICITS OF LOCAL FACILITIES, QUOTE, SMITH AND LEBLANC PERSISTED WITH A SYSTEM THAT LACKED MEANINGFUL EXTERNAL VALIDATION OR EVIDENCE, THUS TURNING A WILLFULLY BLIND EYE BY REFUSING TO DIRECT AUDITS THAT MEANINGFULLY EXAMINED THE IMPLEMENTATION OF THE GUIDELINES' REQUIREMENTS AND LOCAL FACILITIES HOLDING DPSC'S PRISONERS, CLOSE QUOTE. THIS, QUOTE, GOES WELL BEYOND GROSS NEGLIGENCE AND REPRESENTS A DELIBERATE CHOICE BY THESE POLICYMAKERS AND SUPERVISORS, CLOSE QUOTE.

Appendix C

II. THE INSTANT MOTIONS

THE PARTIES HAVE FILED CROSS MOTIONS FOR SUMMARY JUDGMENT. DEFENDANTS' POSITION IS ESSENTIALLY:

(1) AS A MATTER OF LAW, DOC ISN'T RESPONSIBLE FOR PRETRIAL DETAINEES LIKE PLAINTIFFS. PRETRIAL DETAINEES ARE CARED FOR BY LOCAL SHERIFFS.

AND (2) AS A MATTER OF FACT, EVEN IF THEY WERE, DOC DIDN'T DO ANYTHING TO CAUSE THESE PLAINTIFFS' DAMAGES, FOR [5]INSTANCE, BECAUSE THE ATTACKS OCCURRED AT THE HANDS OF OTHER PRETRIAL DETAINEES.

PLAINTIFFS, ON THE OTHER HAND, SEEK SUMMARY JUDGMENT ARGUING:

(1) THAT SMITH AND LEBLANC HAD KNOWLEDGE ABOUT THE OPERATIONS AT LOCAL FACILITIES HOUSING DOC PRISONERS.

(2) MPCC DID NOT HAVE A CLASSIFICATION SYSTEM IN COMPLIANCE WITH THE GUIDELINES WHICH WAS KNOWN TO SMITH AND LEBLANC.

(3) SMITH AND LEBLANC KNEW THE IMPORTANCE OF THE CLASSIFICATION SYSTEM TO ENSURE PRISONER AND PUBLIC SAFETY.

(4) VIOLENCE AT MPCC IS PERVASIVE, AND THAT WAS KNOWN AND IS KNOWN TO SMITH AND LEBLANC.

(5) SMITH AND LEBLANC ARE DEPENDENT ON LOCAL FACILITIES TO HOUSE DPSC-SENTENCED PRISONERS BECAUSE DOC LACKS SPACE AT STATE-OPERATED FACILITIES AND BECAUSE IT'S CHEAPER.

(6) SHERIFFS AND LOCAL FACILITY OPERATES -- OPERATIONS HAVE AN ECONOMIC INCENTIVE TO HOLD AS MANY DPSC-SENTENCED PRISONERS AS POSSIBLE.

AND (7) SMITH AND LEBLANC KNEW HOW TO CONDUCT AUDITS INTENDED TO DETECT PROBLEMS IN STATE-OPERATED FACILITIES, BUT THE AUDITS DONE AT THE LOCAL JAIL FACILITIES WERE DEFICIENT IN A NUMBER OF WAYS, INCLUDING BEING DONE BY UNDERTRAINED, UNDERPAID AND UNDER-RESOURCED BJG TEAM LEADERS, ALL OF WHICH CAUSED PROBLEMS.

[6]**III. RULING**

IN SHORT, I FIND BOTH MOTIONS SHOULD BE DENIED. FIRST, AS TO DEFENDANTS' LEGAL RESPONSIBILITY OVER PRETRIAL DETAINEES, *CRITTINDON* COULDN'T BE CLEARER. THIS IS A LONG QUOTE. QUOTE, "DPSC IS RESPONSIBLE

FOR LOCAL JAILS ONCE THEY HOUSE DPSC PRISONERS. DPSC ENTERS INTO CONTRACTS WITH LOCAL JAILS TO HOUSE DPSC'S PRISONERS.

SPECIFICALLY, THIS CONTRACT STATES -- THIS IS A QUOTE WITHIN THE QUOTE -- 'IF, IN THE DETERMINATION OF DPSC, THE SHERIFF FAILS TO FULFILL IN A TIMELY AND PROPER MANNER ITS OBJECTIONS TO OPERATE AND MAINTAIN THE JAIL FACILITY IN ACCORDANCE WITH THE BASIC JAIL GUIDELINES, THE DEPARTMENT SHALL HAVE THE RIGHT TO TERMINATE THIS CONTRACT'", CLOSE QUOTE WITHIN THE QUOTE.

THROUGH THE -- CONTINUING WITH THE QUOTATION FROM *CRITTINDON*. "THROUGH THE PROMULGATION OF THE BASIC JAIL GUIDELINES AND DPSC'S AUDITS OF LOCAL PARISH JAILS, THERE'S AMPLE EVIDENCE THAT THESE DPSC OFFICIALS HAD POWER TO CONTROL THE FACILITIES IN WHICH DPSC HOUSED ITS PRISONERS. THE BASIC JAIL GUIDELINES ARE NOT IRRELEVANT.

THE CONTENT OF THE GUIDELINES IS DETERMINED BY DEFENDANTS LEBLANC AND STAGG. ACCORDING TO LEBLANC, EVEN JAILS WITHOUT DPSC CONTRACTS WERE REQUIRED TO COMPLY WITH THE GUIDELINES AS LONG AS THEY HOUSED DPSC PRISONERS. DPSC WOULD REGULARLY AUDIT THESE LOCAL FACILITIES

TO ENSURE THEIR [7]COMPLIANCE, AND WHEN A JAIL WAS NOT IN COMPLIANCE, DPSC HELPED THE FACILITY REACH COMPLIANCE. STAGG TESTIFIED THAT IN RARE SCENARIOS DPSC-SENTENCED PRISONERS WOULD BE PULLED FROM A JAIL IF THE LOCAL FACILITIES DID NOT COMPLY WITH THE GUIDELINES. THROUGH THE PROMULGATION OF THE BASIC JAIL GUIDELINES AND DPSC'S AUDITS OF LOCAL PARISH JAILS, THERE'S AMPLE EVIDENCE THAT THESE DPSC OFFICIALS HAD THE POWER TO CONTROL THE FACILITIES IN WHICH DPSC HOUSED ITS PRISONERS."

THAT'S ALL. THAT'S THE END OF THE QUOTE THERE, *CRITTINDON VERSUS LEBLANC*, 37, F.4TH 177, AT 191 (5TH CIRCUIT 2022).

THUS, DEFENDANTS ERR IN ARGUING THAT DOC HAD NO RESPONSIBILITY OVER WHAT BEFALLS PRETRIAL DETAINEES AT THIS LOCAL JAIL. ONCE THIS LEGAL QUESTION IS RESOLVED, THERE ARE NUMEROUS QUESTIONS OF FACT ON ALL OF THE ABOVE ISSUES INCLUDING -- PRECLUDING, THAT IS, SUMMARY JUDGMENT.

FOR INSTANCE, THERE ARE DISPUTES ABOUT THE LEVEL OF INVOLVEMENT OF DOC-SENTENCED INMATES IN THE ASSAULTS AND HOW MANY DOC INMATES WERE ON THE UNITS IN QUESTION. WHETHER DOC, QUOTE, FIXED, CLOSE QUOTE, THE CLASSIFICATION SYSTEM,

DETAILS ABOUT THE AUDITS, THE EXTENT TO WHICH DOC-SENTENCED INMATES WERE TRANSFERRED WHEN NEEDED, AND THE ADEQUACY OF TRAINING AND COMPENSATION OF TEAM LEADERS.

FOR EACH MOTION WHEN CONSTRUING THE FACTS IN A LIGHT MOST FAVORABLE TO THE NON-MOVER, A REASONABLE JUROR COULD [8]FIND IN FAVOR OF THE NON-MOVER FOR EACH CLAIM.

IV. CONCLUSION

ACCORDINGLY, IT IS ORDERED THAT THE *MOTION FOR SUMMARY JUDGMENT* (DOCUMENT 191) FILED BY DEFENDANTS JAMES LEBLANC AND SETH SMITH AND PLAINTIFFS' *MOTION FOR SUMMARY JUDGMENT* AGAINST JAMES LEBLANC AND SETH SMITH (DOCUMENT 189) ARE DENIED.

NOW, HAVING SAID ALL OF THAT, THE PARTIES HAVE AN OPPORTUNITY ON TUESDAY TO GET THE MATTER RESOLVED. NEEDLESS TO SAY, I THINK THERE ARE QUESTIONS OF FACT, WHICH IS WHAT I SPENT THE LAST TEN MINUTES SAYING. THAT MEANS THAT, OF COURSE, THE FINDER OF FACT, I.E., YOURS TRULY CAN GO EITHER WAY AND, THEREFORE, IT MAKES SENSE TO ME AS AN EX-TRIAL LAWYER OF ALMOST 40 YEARS THAT YOU OUGHT TO SETTLE

THE CASE. SO I ENCOURAGE SETTLEMENT. NOW, SOMETIMES SETTLEMENT CAN'T TAKE PLACE. I UNDERSTAND THAT. WE'RE PREPARED TO PRE-TRY THE CASE ON FEBRUARY THE 4TH AND WE ARE PREPARED TO TRY THE CASE IN MARCH, BUT I DO ENCOURAGE THE PARTIES IN GOOD FAITH TO TRY TO GET TOGETHER AND RESOLVE THE MATTER.

IS THERE ANYTHING THAT THE COURT CAN HELP THE PARTIES WITH OTHER THAN THIS RULING THIS AFTERNOON; PLAINTIFFS?

MS. WASHINGTON: NO, YOUR HONOR. THANK YOU VERY MUCH FOR THIS RULING.

THE COURT: ALL RIGHT. DEFENDANTS?

MR. STEWART: NO, YOUR HONOR. THANK YOU FOR YOUR [9]TIME.

THE COURT: THANK YOU, FOLKS. HAVE A GOOD DAY.

(WHEREUPON COURT WAS ADJOURNED)

APPENDIX D — PETITION FOR DENYING REHEARING OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, FILED AUGUST 4, 2026

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 25-30076

JAMES MURRAY; LATAVIUS PASCHAL;
ANTONE HENDERSON,

Plaintiffs-Appellees,

v.

JAMES LEBLANC, SECRETARY OF
DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS; SETH SMITH,

Defendants-Appellants.

Filed August 4, 2026

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:21-CV-592

ON PETITION FOR REHEARING EN BANC

Before ELROD, *Chief Judge*, and RICHMAN and WILLETT, *Circuit Judges*.

Appendix D

PER CURIAM:

Treating the petition for rehearing *en banc* as a petition for panel rehearing (5TH CIR. R.40 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing *en banc* (FED. R. APP. P.40 and 5TH CIR. R.40), the petition for rehearing *en banc* is DENIED.