

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

BLAIR IMANI, ET AL.

CIVIL ACTION

VERSUS

NO. 17-439-JWD-EWD

CITY OF BATON ROUGE, ET AL.

ORDER

This matter comes before the Court on the *Motion to Dismiss (FRCP 12(b)(1) & (6))* by *Colonel Kevin Reeves & Louisiana State Police* (“LSP”) (Doc. 69). Plaintiffs oppose the motion. (Doc. 87). No reply was filed. Oral argument was heard today. The Court has carefully considered the law, the facts in the record, and the arguments and submissions of the party and is prepared to rule. For oral reasons to be assigned,

IT IS ORDERED that the motion is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** in that a suit against the LSP is barred by the Eleventh Amendment. The motion is **DENIED** in that the claims against Reeves in his official capacity for prospective, injunctive and declaratory relief satisfy the *Ex parte Young* exception to Eleventh Amendment immunity. Further, *Pennhurst* does not apply because, among other reasons, Plaintiffs are basing their claims on violations of federal law. Lastly, these claims are not barred by federalism concerns.

Signed in Baton Rouge, Louisiana, on September 7, 2018.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA