

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Bobby Strickland v. Slidell et al.

Strickland v. Slidell · No. 21-457 · Decided February 10, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana addresses defendants’ Rule 12(b) (6) motion to dismiss and motion for partial summary judgment in Bobby Strickland’s § 1983 action arising from an alleged excessive-force arrest. The court concludes that Heck v. Humphrey does not categorically bar the excessive-force claims, permits the claims against Officer Esque and related state-law claims to proceed, and dismisses the claims against Officer Colgan on qualified-immunity and related grounds. The court also addresses claims involving spoliation of evidence, municipal liability, punitive damages, and attorney’s fees.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	February 10, 2026
DOCKET	21-457
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Rule 12(b)(6) to dismiss the First Amended Complaint and moved for partial summary judgment on punitive damages and attorney's fees in this § 1983 and state-law action.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court views the complaint in the light most favorable to the plaintiff and asks whether it states a facially plausible claim, disregarding conclusory allegations, unwarranted factual inferences, and legal conclusions. On summary judgment, the court views the evidence and draws justifiable inferences in favor of the nonmovant and determines whether a genuine dispute of material fact exists. Qualified immunity requires determining whether the plaintiff alleged a constitutional violation and whether the right was clearly established.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Bobby Strickland v. City of Slidell, Officer Zacharia Colgan, Officer Charles Esque

TOPICS

section 1983 qualified immunity police misconduct summary judgment motions to dismiss

PRACTICE AREAS

civil rights constitutional torts police misconduct civil procedure Louisiana tort law

QUESTIONS PRESENTED

1. Whether Heck v. Humphrey barred Strickland's § 1983 excessive-force claims because he pleaded guilty to resisting a police officer with force or violence.
2. Whether Officer Esque was entitled to qualified immunity on the alleged beating of Strickland while restrained and no longer resisting.
3. Whether Officer Colgan was entitled to qualified immunity on the alleged repeated use of a taser and failure-to-intervene claim.
4. Whether Strickland stated Louisiana assault and battery claims against Officers Esque and Colgan.
5. Whether Strickland plausibly pleaded spoliation of evidence against the officers.
6. Whether Strickland stated Louisiana negligent hiring, retention, and vicarious-liability claims against the City of Slidell.
7. Whether summary judgment was proper on punitive damages and attorney's fees.

HOLDINGS

1. Heck did not categorically bar Strickland's excessive-force claims because the alleged force could have occurred after the conduct underlying his resisting conviction and was temporally and conceptually distinct from that conviction.
2. Officer Esque was not entitled to qualified immunity at the pleading stage because Strickland plausibly alleged that Esque repeatedly struck him with a metal flashlight while he was handcuffed, subdued, and no longer resisting.
3. Officer Colgan was entitled to qualified immunity because Strickland did not allege a cognizable injury caused by Colgan and, in any event, the alleged taser use was objectively reasonable under the circumstances and not clearly unlawful.
4. Officer Colgan was entitled to qualified immunity on the failure-to-intervene claim because Strickland failed to identify clearly established law requiring intervention under materially similar circumstances.
5. The assault and battery claims against Officer Esque survived because the alleged force was unreasonable, while the claims against Officer Colgan were dismissed because his taser use was a protected use of force and he was not alleged to have caused Strickland's injury.

6. The spoliation-of-evidence claim was dismissed without prejudice because the amended complaint alleged only conclusory intentional-destruction allegations and did not plausibly plead the required elements.
7. The Louisiana negligent hiring, retention, and vicarious-liability claims against the City of Slidell survived because Strickland pleaded sufficient facts to establish a duty and that Officer Esque acted in the course and scope of his employment.
8. Summary judgment was granted barring punitive damages against the City and punitive damages for the state-law claims, but denied as to punitive damages against Officer Esque on the § 1983 claims and as to attorney's fees.

KEY QUOTATIONS

“However, Heck does not operate as a per se bar on excessive force claims, even when, as here, there has been a conviction for interfering with or resisting a police officer.” (at 6)

“Accordingly, the Court finds that Mr. Strickland’s excessive force claim against Officer Esque is temporally and conceptually distinct from his conviction for resisting arrest.” (at 7)

“officers engage in excessive force when they physically strike a suspect who is not resisting arrest.” (at 9)

“The tort does not apply “where suit has not been filed, and there is no evidence that a party knew suit would be filed when the evidence was discarded”” (at 15)

“The factual disputes regarding how Mr. Strickland sustained his injuries preclude summary judgment on punitive damages for his section 1983 claims against Officer Esque.” (at 19)

FACTUAL BACKGROUND

On March 6, 2020, Slidell officers pursued Bobby Strickland after he exited a vehicle and ran through a Lowe's parking lot. The parties disputed whether Strickland resisted, when he was restrained, and how he sustained serious facial injuries, including fractures and broken teeth. Strickland alleged that Officer Colgan tased him multiple times after he was disabled and that Officer Esque struck him repeatedly with a metal flashlight while he was handcuffed; the officers disputed those allegations. Strickland later pleaded guilty to possession of a Schedule II controlled substance and resisting a police officer with force or violence.

PROCEDURAL HISTORY

Strickland filed claims arising from his arrest and alleged use of excessive force by Slidell police officers. After the First Amended Complaint, Defendants moved to dismiss based principally on *Heck v. Humphrey* and qualified immunity, and moved for partial summary judgment concerning punitive damages and attorney's fees. The court granted the motions in part and denied them in part, dismissing the claims against Officer Colgan and the spoliation claim, while allowing claims against Officer Esque and state-law claims against the City to proceed.

DISPOSITION

CASES CITED

- Gentilello v. Rege, 627 F.3d 540, 544 (5th Cir. 2010)
- Doe v. MySpace, Inc., 528 F.3d 413, 418 (5th Cir. 2008)
- Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949-50 (2009)
- Plotkin v. IP Axess, Inc., 407 F.3d 690, 696 (5th Cir. 2005)
- Stevens v. Lake Charles Coca-Cola Bottling Co., 2011 WL 2173649, at *2 (W.D. La. June 1, 2011)
- TIG Insurance Co. v. Sedgwick James, 276 F.3d 754, 759 (5th Cir. 2002)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-50, 255 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio, 475 U.S. 574, 587 (1986)
- SEC v. Recile, 10 F.3d 1093, 1097 (5th Cir. 1993)
- Flores v. City of Palacios, 381 F.3d 391, 396 (5th Cir. 2004)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)
- Bush v. Strain, 513 F.3d 492, 497-502 (5th Cir. 2008)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Poole v. City of Shreveport, 691 F.3d 624, 627 (5th Cir. 2012)
- Santander v. Salazar, 133 F.4th 471, 480 (5th Cir. 2025)
- Spiller v. Harris County, Texas, 113 F.4th 573, 578 (5th Cir. 2024)
- Carroll v. Ellington, 800 F.3d 154, 177 (5th Cir. 2015)
- Soto v. Bautista, No. 21-40803, 2023 WL 2624785, at *4 (5th Cir. Mar. 24, 2023)
- Cloud v. Stone, 993 F.3d 379, 384 (5th Cir. 2021)
- Cambre v. Gottardi, No. 19-30715, 2025 WL 1304592, at *8 (5th Cir. May 6, 2025)
- Hale v. Townley, 45 F.3d 914, 918 (5th Cir. 1995)
- Joseph on behalf of Estate of Joseph v. Bartlett, 981 F.3d 319, 345-47 (5th Cir. 2020)
- Penn v. St. Tammany Parish Sheriff's Office, 843 So. 2d 1157, 1159-61 (La. App. 1 Cir. 2003)
- Deville v. Marcantel, 567 F.3d 156, 172-73 (5th Cir. 2009)
- Desselle v. Jefferson Hospital District No. 2, 887 So. 2d 524, 534 (La. App. 5 Cir. 2004)
- Matter of Lasala, 542 F. Supp. 3d 439, 444 (E.D. La. 2021)
- King v. Dogan, 31 F.3d 344, 346 (5th Cir. 1994)
- Gomez v. Galman, 18 F.4th 769, 780-81 (5th Cir. 2021)
- Kelley v. Dyson, 10 So. 3d 283, 287 (La. App. 5 Cir. 2009)
- Cote v. City of Shreveport, 73 So. 3d 435, 440 (La. App. 2011)
- Patrick v. Poisso, 882 So. 2d 686, 691 (La. App. 2 Cir. 2004)
- Smith v. Wade, 461 U.S. 30, 56 (1983)

- Kolstad v. American Dental Association, 527 U.S. 526, 536 (1999)
- City of Newport v. Fact Concerts, Inc., 453 U.S. 247, 270-71 (1981)
- International Harvester Credit Corp. v. Seale, 518 So. 2d 1039, 1041 (La. 1988)

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