

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Rudy Francis v. Donnie Bordelon, Warden

Francis · No. No. 23-6981 · Decided January 5, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana reviewed de novo a habeas petition under 28 U.S.C. § 2254 challenging Rudy Francis’s Louisiana manslaughter conviction and sentence. The court overruled Francis’s objections, approved and adopted the magistrate judge’s Report and Recommendation, and rejected his claims concerning insufficient evidence, prosecutorial misconduct, and excessive sentence.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Wendy B. Vitter
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 5, 2026
DOCKET	No. 23-6981
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from his Louisiana manslaughter conviction and twenty-year sentence. After a magistrate judge recommended dismissal with prejudice, petitioner filed objections, which the district court reviewed de novo and overruled.
STANDARD OF REVIEW	The district court reviewed the objections to the magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1)(C). For the habeas claims, the court applied 28 U.S.C. § 2254(d), including the deferential standard governing state-court adjudications, and reviewed the sufficiency claim under Jackson v. Virginia.
PRECEDENTIAL VALUE	unpublished
PARTIES	Rudy Francis v. Donnie Bordelon, Warden

TOPICS

federal habeas corpus

post-conviction relief

sentencing

cruel and unusual punishment

due process

PRACTICE AREAS

Federal habeas corpus

Criminal procedure

Post-conviction relief

Sentencing

QUESTIONS PRESENTED

1. Whether Francis exhausted his federal prosecutorial-misconduct claim when the alleged deception concerning the firearm sentencing enhancement was not presented to the state courts.
2. Whether Francis exhausted his excessive-sentence claim concerning the twenty-year sentence imposed on resentencing.
3. Whether the state courts' rejection of Francis's insufficient-evidence claim was contrary to or an unreasonable application of *Jackson v. Virginia* and 28 U.S.C. § 2254(d).
4. Whether the State committed prosecutorial misconduct by allegedly representing that it had filed a firearm sentencing-enhancement motion.
5. Whether Francis's twenty-year manslaughter sentence was unconstitutionally excessive.

HOLDINGS

1. Francis's prosecutorial-misconduct claim was unexhausted because he argued in state court only that the State failed to file or timely file a firearm sentencing-enhancement motion, whereas his federal claim asserted that the State deceived the trial court by claiming to have filed the motion.
2. Francis's challenge to his twenty-year sentence was unexhausted because the state courts had not reviewed that sentence when he filed his federal habeas petition, and Francis failed to establish that the state corrective process was unavailable or ineffective.
3. Francis was not entitled to habeas relief on his insufficient-evidence claim because a rational trier of fact could have found beyond a reasonable doubt that he committed manslaughter and did not act in self-defense, and the state courts' rejection of the claim was not contrary to or an unreasonable application of clearly established federal law.
4. Francis failed to establish prosecutorial misconduct because the last reasoned state-court decision found that the State filed and served the firearm sentencing-enhancement motion before trial, and Francis did not rebut that factual determination by clear and convincing evidence.
5. Francis's twenty-year sentence for manslaughter was not unconstitutionally excessive because it fell within the statutory maximum and was not grossly disproportionate to the offense or wholly devoid of sentencing discretion.

KEY QUOTATIONS

“the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.”
(Section I.B)

“Petitioner’s twenty-year sentence for manslaughter is not unconstitutionally excessive.” (Section I.D)

FACTUAL BACKGROUND

Francis was convicted of manslaughter after a third trial arising from the shooting death of the victim; the first two trials resulted in hung juries. The state-court record included Francis's self-defense testimony, inconsistent statements after the shooting, testimony from police officers and detectives, forensic evidence of nine gunshot wounds, and ballistics evidence linking recovered bullets to a firearm found at Francis's home. Francis was originally sentenced to twenty-five years, later resentenced to twenty years after the Louisiana Supreme Court identified a violation of the twenty-four-hour sentencing delay.

PROCEDURAL HISTORY

Francis was convicted of manslaughter in Louisiana state court and ultimately resentenced to twenty years' imprisonment after the Louisiana Supreme Court vacated his original sentence for failure to observe the twenty-four-hour sentencing delay. He filed a federal habeas petition asserting insufficient evidence, prosecutorial misconduct, and excessive sentence. The magistrate judge recommended dismissal with prejudice, and the district court adopted the recommendation after overruling Francis's objections.

DISPOSITION

dismissed

CASES CITED

- State v. Francis, 2011-1082 (La. App. 4 Cir. 11/7/12), 2012 WL 6619022
- State v. Francis, 2012-2575 (La. 5/3/13), 113 So. 3d 209
- State v. Francis, 2016-0513 (La. 5/19/17), 220 So. 3d 703
- State v. Francis, 2018-0482 (La. App. 4 Cir. 12/28/18), 318 So. 3d 823
- State v. Francis, 2017-0951 (La. 6/16/17), 221 So. 3d 82
- State v. Francis, 2019-0227 (La. 4/29/19), 268 So. 3d 289
- Duckworth v. Serrano, 454 U.S. 1 (1981)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- State v. Rawson, 2017-0430 (La. App. 1 Cir. 9/15/17), 2017 WL 4082433
- Narvaiz v. Johnson, 134 F.3d 688 (5th Cir. 1998)
- Haynes v. Butler, 825 F.2d 921 (5th Cir. 1987)
- Harmelin v. Michigan, 501 U.S. 957 (1991)
- Solem v. Helm, 463 U.S. 277 (1983)
- Ewing v. California, 538 U.S. 11 (2003)
- United States v. Garcia, 693 F.2d 412 (5th Cir. 1982)
- Hicks v. Oklahoma, 447 U.S. 343 (1980)
- Hickerson v. Maggio, 691 F.2d 792 (5th Cir. 1982)

- Miller-El v. Cockrell, 537 U.S. 322 (2003)
- Slack v. McDaniel, 529 U.S. 473 (2000)

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