

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Robert Earl King, III v. Redivac Emergency Transportation Service

Civil Action No. 25-808 · No. Civil Action No. 25-808 · Decided January 22, 2026

SUMMARY

This Report and Recommendation addresses Robert Earl King III’s pro se 42 U.S.C. § 1983 complaint against Redivac Emergency Transportation Service. The magistrate judge recommends dismissal with prejudice because Redivac was not alleged to be a state actor and the claims arising from an October 16, 2022 incident were untimely under Louisiana’s applicable one-year prescriptive period.

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	January 22, 2026
DOCKET	Civil Action No. 25-808
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on sua sponte screening of a pro se, in forma pauperis prisoner civil-rights complaint under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Under 28 U.S.C. §§ 1915(e)(2) and 1915A and 42 U.S.C. § 1997e(c), the court must sua sponte dismiss a prisoner's in forma pauperis action that is frivolous or fails to state a claim. A claim is frivolous when it lacks an arguable basis in law or fact; factual allegations are clearly baseless when they are fanciful, fantastic, or delusional.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert Earl King, III v. Redivac Emergency Transportation Service

TOPICS

- section 1983
- prisoners rights
- statute of limitations
- civil procedure
- state action

PRACTICE AREAS

- civil rights
- prisoner civil rights
- section 1983
- federal civil procedure

QUESTIONS PRESENTED

1. Whether Redivac Emergency Transportation Service, a private entity, could be held liable under 42 U.S.C. § 1983 absent allegations that it acted under color of state law or conspired with state actors.
2. Whether King's § 1983 claims were barred by Louisiana's applicable one-year prescriptive period for tort claims arising before July 1, 2024.
3. Whether the complaint should be dismissed with prejudice as frivolous and for failure to state a claim under the prisoner-screening statutes.

HOLDINGS

1. The claims against Redivac should be dismissed because King did not allege that the private entity acted under color of state law or conspired with a state actor to violate his constitutional rights.
2. The claims should be dismissed as prescribed because Louisiana's former one-year prescriptive period applied to the October 16, 2022 incident and expired before King filed his complaint on April 24, 2025.
3. The court should not afford King an opportunity to amend because the claims were prescribed and any amendment would be futile.

KEY QUOTATIONS

“Under this statute, a claim is frivolous when it lacks an arguable basis either in law or fact.” (at 2)

“A non-state or private actor can, however, be held liable under a § 1983 cause of action if the actor engaged in “a conspiracy with state actors to violate [the plaintiff’s] constitutional rights.”” (at 3)

“Therefore, Louisiana’s one-year prescriptive period on King’s claims ran before he filed his complaint on April 24, 2025 and should therefore should be dismissed as frivolous.” (at 4)

FACTUAL BACKGROUND

King alleged that his seven-month-old twins were being transported by Redivac on October 16, 2022, when someone blew up the van on Highway 1 near Alexandria, Louisiana. He sued Redivac under § 1983 and sought monetary compensation. The complaint did not allege that Redivac acted under color of state law or conspired with state actors.

PROCEDURAL HISTORY

King, a pretrial detainee proceeding pro se and in forma pauperis, filed a § 1983 complaint against Redivac Emergency Transportation Service seeking monetary compensation. The matter was referred to a magistrate judge for proposed findings and recommendations under 28 U.S.C. § 636(b)(1)(B) and (C). The report recommends dismissal with prejudice because Redivac was not alleged to be a state actor or to have conspired with state actors, and because the claims were untimely under Louisiana's former one-year prescriptive period.

DISPOSITION

other

CASES CITED

- Cay v. Estelle, 789 F.2d 318, 325 (5th Cir. 1986)
- Neitzke v. Williams, 490 U.S. 319, 324-25 (1989)
- Talib v. Gilley, 138 F.3d 211, 213 (5th Cir. 1998)
- Harper v. Showers, 174 F.3d 716, 718 (5th Cir. 1999)
- Davis v. Scott, 157 F.3d 882, 889 (5th Cir. 1998)
- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Neitzke v. Williams, 490 U.S. 319, 327-28 (1989)
- Reeves v. Collins, 27 F.3d 174, 176 (5th Cir. 1994)
- Jackson v. Vannoy, 49 F.3d 175, 176-77 (5th Cir. 1995)
- Moore v. Mabus, 976 F.2d 268, 269 (5th Cir. 1992)
- Flagg Bros., Inc. v. Brooks, 436 U.S. 149, 156 (1978)
- Lott v. Lopinto, No. 19-14010, 2021 WL 11550132, at *2 (E.D. La. Jan. 29, 2021)
- Tebo v. Tebo, 550 F.3d 492, 496 (5th Cir. 2008)
- Priester v. Lowndes County, 354 F.3d 414, 420 (5th Cir. 2004)
- Mills v. Crim. Dist. Ct. No. 3, 837 F.2d 677, 678 (5th Cir. 1988)
- Brown v. Pouncy, 93 F.4th 331, 334 (5th Cir. 2024), cert. denied, 145 S. Ct. 170 (2024)
- Lopez-Vences v. Payne, 74 F. App'x 398, 398 (5th Cir. 2003)
- Clifford v. Gibbs, 298 F.3d 328, 333 (5th Cir. 2002)
- Crane v. Childers, 655 F. App'x 203, 204 (5th Cir. 2016)
- Corsey v. State, 375 So. 2d 1319, 1321 (La. 1979)
- Kling Realty Co. v. Chevron USA, Inc., 575 F.3d 510, 517 (5th Cir. 2009)
- Cole v. Celotex Corp., 620 So. 2d 1154, 1156 (La. 1993)
- Allied World Nat'l Assurance Co. v. Nisus Corp., 134 F.4th 821, 826 n.3 (5th Cir. 2025)
- Brown v. Pool, 79 F. App'x 15, 17 (5th Cir. 2003)
- Gonzales v. Wyatt, 157 F.3d 1016, 1019-20 (5th Cir. 1998)
- Smith v. Terrebonne Par. Crim. Just. Complex, No. 14-2207, 2014 WL 5780696, at *3 (E.D. La. Nov. 4, 2014)
- Martzen v. McLane, 764 F. App'x 402, 403 (5th Cir. 2019)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996)