

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
LOUISIANA, LAFAYETTE DIVISION

Hunter David Cassidy v. Lafayette City Marshals, et al.

Cassidy · No. 6:25-cv-0279 · Decided December 18, 2025

SUMMARY

This Report and Recommendation addresses a pro se civil rights action filed by Hunter David Cassidy against Lafayette City Marshals and related defendants in the Western District of Louisiana. The magistrate judge recommends dismissing the plaintiff’s RICO, FOIA, criminal civil-rights, trademark, duplicative § 1983, and fraud claims as frivolous or failing to state a claim, and recommends dismissing several defendants, including the Lafayette City Marshal’s Office. The recommendation was signed on December 18, 2025, and allows fourteen days for written objections.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Louisiana, Lafayette Division                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | David J. Ayo                                                                                                                                                                                                                                                                                                                               |
| JURISDICTION          | United States District Court for the Western District of Louisiana, Lafayette Division                                                                                                                                                                                                                                                     |
| DECIDED               | December 18, 2025                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | 6:25-cv-0279                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Report and recommendation on sua sponte frivolity and failure-to-state-a-claim review of a pro se civil-rights complaint and amended complaint filed by a fee-paying, nonprisoner plaintiff.                                                                                                                                               |
| STANDARD OF REVIEW    | The court applied a limited sua sponte screening standard for a fee-paid nonprisoner complaint when the allegations are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion. It also applied the failure-to-state-a-claim standard, accepting the plaintiff's allegations as true. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                            |

TOPICS

- section 1983
- civil rights
- trademark infringement
- public records
- civil procedure

## PRACTICE AREAS

civil rights

civil procedure

intellectual property

municipal law

public records

## QUESTIONS PRESENTED

1. Whether Cassidy's RICO allegations stated a civil RICO claim.
2. Whether Cassidy could pursue a FOIA claim against the Lafayette City Marshal's Office for records relating to his arrest.
3. Whether 18 U.S.C. §§ 241 and 242 provide private rights of action.
4. Whether the amended complaint stated a Lanham Act trademark-infringement claim based on defendants' use of Cassidy's name in official documents.
5. Whether the amended § 1983 and fraud claims stated legally cognizable claims.
6. Whether claims against the deputy clerks, the supervisory marshal, and the Lafayette City Marshal's Office should be dismissed based on immunity, lack of personal involvement, or lack of separate legal existence.

## HOLDINGS

1. Cassidy's RICO allegations failed to state a civil RICO claim because he did not allege an injury to business or property, racketeering activity or a pattern of racketeering activity, or a qualifying enterprise or conspiracy.
2. Cassidy's FOIA claim against the Lafayette City Marshal's Office failed because FOIA applies to federal agencies and does not provide a claim against state or municipal agencies.
3. Sections 241 and 242 are criminal statutes and do not provide a private right of action.
4. Cassidy's allegations that defendants used his name in official documents did not state a trademark-infringement claim because he did not allege a legally protectable mark used in a manner likely to cause consumer confusion as to source, affiliation, or sponsorship.
5. The claims for damages against deputy clerks Kelly Mouisset and Myke M. Leblanc were subject to absolute immunity for acts specifically required under court order or performed at a judge's discretion.
6. Cassidy failed to state a § 1983 claim against Reggie Thomas in his supervisory capacity because he did not allege Thomas's personal involvement or implementation of an unconstitutional policy causing the asserted injuries.
7. The Lafayette City Marshal's Office was not a proper defendant because it lacked a separate legal or jural existence under Louisiana law.

## FACTUAL BACKGROUND

Cassidy alleged that Lafayette City Marshals and related officers forcibly removed him from a Lafayette City Court proceeding, used excessive force, detained him without legal cause or a warrant, and subjected him to a strip search. He also alleged that defendants violated his First Amendment right to record in the courtroom, denied public-record requests, and participated in RICO activity. In his amended complaint, he asserted criminal

civil-rights theories, trademark infringement based on use of his name in official documents, and fraud theories concerning summonses and arrest notifications.

## PROCEDURAL HISTORY

Hunter David Cassidy filed an original complaint asserting claims under 42 U.S.C. § 1983, RICO, and FOIA. He later filed an amended complaint asserting claims under 18 U.S.C. §§ 241 and 242, the Lanham Act, § 1983, and theories of fraud and false representation. The magistrate judge recommended dismissing the specified claims and defendants with prejudice as frivolous and for failure to state a claim, subject to objections under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1)(C).

## DISPOSITION

other

## CASES CITED

- Apple v. Glenn, 183 F.3d 477, 479 (6th Cir. 1999) (per curiam)
- Hagans v. Lavine, 415 U.S. 528, 536-37 (1974)
- Conrad v. Krc, 2016 WL 5853738, at \*6 (E.D. Tex. June 17, 2016)
- Word of Faith World Outreach Center Church v. Sawyer, 90 F.3d 118, 123 (5th Cir. 1996)
- Davis-Lynch, Inc. v. Moreno, 667 F.3d 539, 551 (5th Cir. 2012)
- Dickerson v. City of Denton, 298 F. Supp. 2d 537, 544 (E.D. Tex. 2004)
- Rutila v. United States Department of Transportation, 72 F.4th 692, 694 (5th Cir. 2023)
- Goldgar v. Office of Administration, Executive Office of the President, 26 F.3d 32, 34 (5th Cir. 1994) (per curiam)
- Forsham v. Harris, 445 U.S. 169, 185 (1980)
- Batton v. Evers, 598 F.3d 169, 173 n.1 (5th Cir. 2010)
- Mamarella v. County of Westchester, 898 F. Supp. 236 (S.D.N.Y. 1995)
- Rankel v. Greenburgh, 117 F.R.D. 50 (S.D.N.Y. 1987)
- United States v. Davis, 971 F.3d 524 (5th Cir. 2020)
- Vidal v. Elster, 602 U.S. 286, 290 (2024)
- Xtreme Lashes, LLC v. Xtended Beauty, Inc., 576 F.3d 221, 226 (5th Cir. 2009)
- Penn Fishing Tackle Manufacturing Co. v. Pence, 505 F.2d 657, 657 (5th Cir. 1974)
- Jim S. Adler, P.C. v. McNeil Consultants, L.L.C., 10 F.4th 422, 426-27 (5th Cir. 2021)
- Streamline Products Systems, Inc. v. Streamline Manufacturing, Inc., 851 F.3d 440, 450 (5th Cir. 2017)
- Mells v. Loncon, 2019 WL 1339618, at \*2 (S.D. Ga. Feb. 27, 2019)
- Collins v. Biden, 2024 WL 4753931, at \*3 (E.D. Cal. Nov. 12, 2024)
- Tarter v. Hury, 646 F.2d 1010, 1013 (5th Cir. 1981)
- Mouille v. City of Live Oak, Texas, 977 F.2d 924, 929 (5th Cir. 1992)

- *Pierce v. Texas Department of Criminal Justice, Institutional Division*, 37 F.3d 1146, 1150 (5th Cir. 1994)
- *Thompson v. Steele*, 709 F.2d 381, 382 (5th Cir. 1983)
- *Cozzo v. Tangipahoa Parish Council-President Government*, 279 F.3d 273, 283 (5th Cir. 2002)
- *Francis v. Terrebonne Parish Sheriff's Office*, 2009 WL 4730707, at \*2 (E.D. La. Dec. 9, 2009)
- *Causey v. Parish of Tangipahoa*, 167 F. Supp. 2d 898, 909 (E.D. La. 2001)
- *Norwood v. City of Hammond*, 1999 WL 777713, at \*2 (E.D. La. Sept. 30, 1999)

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