

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAKE CHARLES DIVISION

John Oliver Francois v. G Matte et al.

Francois · No. 2:25-CV-00658 SEC P · Decided March 16, 2026

SUMMARY

This Report and Recommendation addresses pro se pretrial detainee John Oliver Francois’s request for a preliminary and permanent injunction concerning the digital scanning of privileged legal mail. The magistrate judge recommends denying preliminary injunctive relief because the defendants had not been given notice and an opportunity to be heard, and because the request was included in the complaint’s prayer for relief rather than filed as a separate document as required by Local Rule 65.1.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lake Charles Division
WRITING FOR THE COURT	Thomas P. LeBlanc
JURISDICTION	United States District Court for the Western District of Louisiana, Lake Charles Division
DECIDED	March 16, 2026
DOCKET	2:25-CV-00658 SEC P
DISPOSITION	writ_denied
PROCEDURAL POSTURE	A pro se pretrial detainee requested preliminary and permanent injunctive relief in the prayer for relief of his complaint. The magistrate judge issued a report and recommendation that the request for a preliminary injunction be denied.
STANDARD OF REVIEW	A preliminary injunction requires notice to the adverse party and a fair opportunity to present its version of the facts. The report and recommendation was issued under 28 U.S.C. § 636(b)(1)(B) and is subject to district-judge review under § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	John Oliver Francois v. Judge James D. Cain, Jr., G Matte, et al.

TOPICS

injunctions

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

injunctive relief

QUESTIONS PRESENTED

1. Whether preliminary injunctive relief could issue before the defendants had been given notice and an opportunity to be heard.
2. Whether the request for a preliminary injunction complied with Local Rule 65.1 when it was included only in the complaint's prayer for relief rather than filed as a separate document.

HOLDINGS

1. A preliminary injunction should not issue while the adverse parties have not received notice and a fair opportunity to present their version of the facts.
2. The request for a preliminary injunction did not comply with Local Rule 65.1 because it was included only in the complaint's prayer for relief rather than made in a separate document.

KEY QUOTATIONS

“The court may issue a preliminary injunction only on notice to the adverse party,”

“Even pro se litigants must follow both the Federal Rules of Civil Procedure and the local court rules.”

FACTUAL BACKGROUND

John Oliver Francois, a pretrial detainee at the Calcasieu Correctional Center, alleged that defendants refused to provide paper copies of his legal mail and instead scanned and digitally formatted it. He asserted that defendants could view the digital versions of privileged legal mail and that the policy caused him emotional distress. He sought an injunction prohibiting defendants from digitally scanning legal mail.

PROCEDURAL HISTORY

Francois filed multiple complaints and amended complaints asserting claims against numerous defendants. The case was referred to the magistrate judge under 28 U.S.C. § 636(b)(1)(B) for preliminary review, and the complaint was recently permitted to proceed in forma pauperis. Because the defendants had not been given notice and an opportunity to be heard, and because the request for preliminary injunctive relief was included only in the complaint's prayer rather than in a separate document as required by Local Rule 65.1, the magistrate judge recommended denial.

DISPOSITION

writ_denied

CASES CITED

- Kaepa, Inc. v. Achilles Corp., 76 F.3d 624, 628 (5th Cir. 1996)
- Beckendorf v. Fleischman, 21-cv-357, 2024 WL 4665273, at *1 (E.D. La. 2024)
- Hulse v. Texas, 929 F.2d 168, 171 (5th Cir. 1991)
- Birl v. Estelle, 660 F.2d 592, 593 (5th Cir. 1981)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAKE CHARLES DIVISION JOHN OLIVER FRANCOIS #1584305 CASE NO. 2:25-CV-00658 SEC P VERSUS JUDGE JAMES D. CAIN, JR. G MATTE ET AL MAGISTRATE JUDGE LEBLANC
REPORT AND RECOMMENDATION Before the Court is a request for preliminary and permanent injunction within the prayer for relief of a Complaint filed by pro se Plaintiff John Oliver Francois (“Francois”).

Doc. 9. Francois is a pretrial detainee at the Calcasieu Correctional Center in Lake Charles, Louisiana. This matter has been referred to the undersigned for review, report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and the standing orders of this court.

Because Francois cannot meet the requirements for preliminary injunctive relief, the request should be DENIED. I. Background Francois has filed 11 Complaints and Amended Complaints raising a host of claims against at least 29 Defendants. Docs. 1, 6, 9, 10, 11, 12, 18, 29, 30, 31, 32.

In the Complaint containing the request for preliminary injunction, Francois alleges that certain Defendants refuse to provide him with paper copies of legal mail, which is being scanned and digitally formatted. Doc. 9 at 2. He asserts that Defendants can view the digital version of a detainee’s privileged legal mail. Doc. 9 at 5. Francois alleges that his requests to maintain physical copies of his legal mail have been denied.

Id. Francois alleges that the mail policy has caused him emotional distress. Id. at 6. In addition to his requests for declaratory and monetary relief, Francois seeks a preliminary and permanent injunction ordering Defendants to stop digitally scanning legal mail. II. Law and Analysis Federal Rule of Civil Procedure 65(a)(1) provides that “[t]he court may issue a preliminary injunction only on notice to the adverse party,” who must be given a fair opportunity to present its version of facts before a preliminary injunction may be granted.

See Kaepa, Inc. v. Achilles Corp., 76 F.3d 624, 628 (5th Cir. 1996). The adverse parties in this case have not yet been noticed because Francois’s Complaint was deficient until recently, when he was granted leave to proceed in forma pauperis. Doc. 34. Now, Francois’s case is under preliminary review pursuant to 28 U.S.C. § 1915A and § 1915(e)(2).

Accordingly, without notice and an opportunity to be heard, a preliminary injunction would be improper. Additionally, Local Rule 65.1 requires that requests for preliminary injunction be made on a document separate from the complaint. Francois merely includes his request in his prayer for relief.

Accordingly, Francois's request is not in compliance with this Court's local rules. Even pro se litigants must follow both the Federal Rules of Civil Procedure and the local court rules. See *Beckendorf v. Fleischman*, 21-cv-357, 2024 WL 4665273, at *1 (E.D. La. 2024) (citing *Hulsey v. Texas*, 929 F.2d 168, 171 (5th Cir. 1991) (citing *Birl v. Estelle*, 660 F.2d 592, 593 (5th Cir.

1981)). III. Conclusion Because Francois's case is under preliminary review, and his request is not in compliance with Local Rule 65.1, IT IS RECOMMENDED that the request for preliminary injunction contained within the Complaint [Doc. 9] be DENIED.

Under 28 U.S.C. § 636(b)(1)(c) and Fed. R. Civ. P. 72(b), a party may file written objections to this Report and Recommendation within 14 days of service, unless the Court grants an extension of time to file objections under Fed. R. Civ. P. 6(b). A party may also respond to another party's objections to this Report and Recommendation within 14 days of service of those objections, again unless the Court grants an extension of time to file a response to objections.

No other briefs may be filed without leave of court, which will only be granted for good cause. A party's failure to timely file written objections to this Report and Recommendation will bar a party from later challenging factual or legal conclusions adopted by the District Judge, except if the challenge asserts "plain error." THUS DONE AND SIGNED in chambers this 16th day of March, 2026.

UNITED S'R*XTES MAGISTRATE JUDGE