

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Boudreaux v. NOPD Officer Prevost, et al.

Boudreaux · No. 25-1073 · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Roger Boudreaux’s motion under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment dismissing his 42 U.S.C. § 1983 claims. The court held that he had not shown a manifest error of law or fact, newly discovered evidence, or another basis warranting reconsideration.

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	December 19, 2025
DOCKET	25-1073
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment dismissing his § 1983 action with prejudice.
STANDARD OF REVIEW	The district court reviews a Rule 59(e) motion under a discretionary standard, requiring the movant to clearly establish a manifest error of law or fact or present newly discovered evidence.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Roger Boudreaux, Jr. v. NOPD Officer Prevost, City of New Orleans, NOPD Officer Rydell Floyd, Gary's Towing

TOPICS

- motion for reconsideration
- section 1983
- qualified immunity
- government liability
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether plaintiff established a manifest error of law or fact or newly discovered evidence warranting relief under Rule 59(e).
2. Whether plaintiff's identification of a Louisiana statute and NOPD policies demonstrated error in the prior dismissal of his § 1983 claims.
3. Whether the denial of a second opportunity to amend the complaint was erroneous when amendment had been determined to be futile.

HOLDINGS

1. A Rule 59(e) motion should be granted only when the movant clearly establishes a manifest error of law or fact or presents newly discovered evidence; plaintiff failed to make that showing.
2. Plaintiff's post-judgment reference to a Louisiana statute did not establish error because he pleaded only a § 1983 claim, and § 1983 does not provide a remedy for violations of state statutes.
3. Plaintiff's identification of NOPD policies did not establish Rule 59(e) error because he did not show a policy or custom that was the moving force behind the alleged constitutional violations or otherwise overcome the court's qualified-immunity determination.
4. Plaintiff failed to establish error in the denial of a second opportunity to amend because he did not address the court's determination that amendment would be futile.

KEY QUOTATIONS

“To succeed on a Rule 59(e) motion, a party must “clearly establish either a manifest error of law or fact or must present newly discovered evidence.””

“reconsideration of a judgment post-entry “is an extraordinary remedy that should be used sparingly.””

FACTUAL BACKGROUND

Boudreaux's § 1983 claims arose from a traffic stop conducted by NOPD Officers Christopher Prevost and Rydell Floyd, followed by his arrest and the impoundment of his vehicle. He sued the City of New Orleans, the officers, and Gary's Towing, but the complaint was dismissed with prejudice.

PROCEDURAL HISTORY

Boudreaux, proceeding pro se, filed a § 1983 action arising from a traffic stop, arrest, and vehicle impoundment. The district court dismissed the complaint with prejudice on September 19, 2025, entered judgment on September 22, 2025, and denied plaintiff's Rule 59(e) motion filed on October 20, 2025.

DISPOSITION

other

CASES CITED

- Edward H. Bohlin Co. v. Banning Co., 6 F.3d 350, 355 (5th Cir. 1993)

- *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004)
- *Ross v. Marshall*, 426 F.3d 745, 763 (5th Cir. 2005)
- *Woodard v. Andrus*, 419 F.3d 348, 353 (5th Cir. 2005)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA ROGER BOUDREAUX, JR. CIVIL ACTION VERSUS NO. 25-1073 NOPD OFFICER PREVOST, ET AL. SECTION “R” (1) ORDER AND REASONS Before the Court is plaintiff Chief Little Sun Roger Boudreaux’s 59(e) motion.¹ For the following reasons, the Court denies the motion.

I. BACKGROUND Plaintiff Chief Little Sun Roger Boudreaux, proceeding pro se, filed this civil action under 42 U.S.C. § 1983 against the City of New Orleans, NOPD Officer Christopher Prevost, NOPD Officer Rydell Floyd, and Gary’s Towing.² Plaintiff’s complaint is based on a traffic stop by NOPD Officers Prevost and Floyd, and the subsequent arrest of plaintiff and impoundment of his vehicle.³ On September 19, 2025, this Court dismissed plaintiff’s complaint 1 R. Doc.

37. 2 R. Doc. 1. 3 R. Doc. 22. with prejudice.⁴ Judgment was entered on September 22, 2025,⁵ and plaintiff filed the instant motion on October 20, 2025.⁶ II. LAW AND DISCUSSION Rule 59(e) permits a party to file a “motion to alter or amend judgment... after the entry of the judgment.” Fed. R. Civ. P. 59(e). A district court has “considerable discretion” under Rule 59(e).

See *Edward H. Bohlin Co. v. Banning Co.*, 6 F.3d 350, 355 (5th Cir. 1993). That said, reconsideration of a judgment post-entry “is an extraordinary remedy that should be used sparingly.” *Templet v. HydroChem Inc.*, 367 F. 3d 473, 479 (5th Cir. 2004).

The Court must strike a balance between “(1) finality, and (2) the need to render just decisions on the basis of all the facts.” *Edward H. Bohlin Co.*, 6 F.3d at 355. To succeed on a Rule 59(e) motion, a party must “clearly establish either a manifest error of law or fact or must present newly discovered evidence.” *Ross v. Marshall*, 426 F. 3d 745, 763 (5th Cir.

2005). Rule 59(e) motions are “not the proper vehicle for rehashing evidence, legal theories, or 4 R. Doc. 35. 5 R. Doc. 36. 6 R. Doc. 37. arguments that could have been offered or raised before the entry of judgment.” *Templet*, 367 F. 3d at 479.

Here, plaintiff has not shown that reconsideration is appropriate under the Rule 59(e) standard. Plaintiff does not assert that new facts have arisen, or that there has been an intervening change in the law. Nor does plaintiff contend with the findings of the Court in arguing that the Court erred. Instead, plaintiff lists a litany of alleged errors, none of which hold up to scrutiny.

Plaintiff now lists a Louisiana Statute that he alleges the Court should have considered when evaluating his claims against Gary’s Towing. But plaintiff did not bring a claim for violation of

any Louisiana Statutes, his only claim was brought under 42 U.S.C. § 1983, which is not a remedy for violations of state statutes. See, e.g., *Woodard v. Andrus*, 419 F.3d 348, 353 (5th Cir.

2005). As to the NOPD Officers, plaintiff now lists NOPD Policies, which he claims the Officers were in violation of. However, plaintiff does not address this Court's determination that plaintiff has not identified a policy or custom that is the moving force behind the alleged constitutional violations, as is needed to bring a claim against the City and NOPD Officers in their official capacities.

Nor does plaintiff address the Court's qualified immunity determination. As to this Court's denial of leave to amend his complaint for the second time, plaintiff himself writes that leave should be given freely "absent factors such as undue delay, bad faith, or futility of amendment." Plaintiff in no way addresses the Court's determination that amendment would be futile.

Plaintiff has failed to establish manifest error. He is not entitled to the "extraordinary remedy" of reconsideration under Rule 59(e). *Templet*, 367 F.3d at 479. Ill. CONCLUSION For the foregoing reasons, the Court DENIES plaintiffs motion to alter or amend the judgment. New Orleans, Louisiana, this _19th day of December, 2025. here Vier SARAH S. VANCE UNITED STATES DISTRICT JUDGE