

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Brandy McKay, Individually and on Behalf of Her Minor Child, P.M.
v. Lamar Davis et al.

McKay · No. 2:21-cv-02304 · Decided January 8, 2026

SUMMARY

The court dismissed with prejudice the remaining Fourteenth Amendment claims against Sergeant Rohn Bordelon and Trooper David LaCroix, as well as any remaining Fourth Amendment claims. It declined to exercise supplemental jurisdiction over the remaining Louisiana state-law claims and dismissed them without prejudice. The court also denied as moot the parties’ joint motion to continue the trial date and pretrial deadlines.

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 8, 2026
DOCKET	2:21-cv-02304
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte considered whether to dismiss the remaining federal claims and decline supplemental jurisdiction over the remaining Louisiana-law claims after the Fifth Circuit reversed the district court's denial of qualified immunity to defendants Rohn Bordelon and David LaCroix and remanded the matter.
STANDARD OF REVIEW	Abuse of discretion governs review of a district court's decision whether to retain or decline supplemental jurisdiction over state-law claims.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	Brandy McKay, individually and on behalf of her minor child, P.M. v. Lamar Davis, Heath Guillotte, Brad Cook, Craig Rhodes, Chad Lacoste, Heath Miller, Rohn Bordelon, Justin Rice, David LaCroix, John Doe and Jane Doe 1–10

TOPICS

subject matter jurisdiction

civil procedure

section 1983

fourteenth amendment

negligence

PRACTICE AREAS

civil procedure

civil rights

constitutional law

federal jurisdiction

torts

QUESTIONS PRESENTED

1. Whether the district court should dismiss the remaining Fourteenth Amendment claims after the Fifth Circuit held that the remaining defendants were entitled to qualified immunity.
2. Whether the district court should decline supplemental jurisdiction over the remaining Louisiana-law claims under 28 U.S.C. § 1367(c), particularly after all federal claims had been dismissed.
3. Whether the pending joint motion to continue the trial and pretrial deadlines should be denied as moot.

HOLDINGS

1. The remaining Fourteenth Amendment claims against Sergeant Rohn Bordelon and Trooper David LaCroix are dismissed with prejudice because the Fifth Circuit determined that those defendants were entitled to qualified immunity.
2. When all claims within the district court's original jurisdiction have been dismissed, the court has broad discretion under 28 U.S.C. § 1367(c) to decline supplemental jurisdiction over remaining state-law claims; the statutory and common-law factors here favored dismissal without prejudice.
3. Any remaining Fourth Amendment claims are dismissed with prejudice based on Plaintiff's voluntary dismissal of those claims.
4. The joint motion to continue the trial date and pretrial deadlines is denied as moot because the federal claims are dismissed and the state-law claims are dismissed without prejudice.

KEY QUOTATIONS

“The relevant statutory factors are those circumstances found in section 1367(c), including “(1) whether the state claims raise novel or complex issues of state law; (2) whether the state claims substantially predominate over the federal claims; (3) whether the federal claims have been dismissed; and (4) whether there are exceptional circumstances or other compelling reasons for declining jurisdiction.”” (Legal Standard)

“At this new stage, only state law claims remain, so as Defendants acknowledge in their answer, this Court no longer has federal subject matter jurisdiction—only supplemental.” (Discussion)

FACTUAL BACKGROUND

Louisiana State Police investigated senior trooper August McKay for allegedly using fraudulent prescriptions to obtain controlled substances. On December 30, 2020, state police officials arrived at the McKay residence to execute a search warrant, and Trooper McKay fatally shot himself in the presence of his wife, their minor daughter, and the daughter's friend. Plaintiff later sued multiple state police officials under federal civil-rights law and Louisiana tort law.

PROCEDURAL HISTORY

Plaintiff initially asserted claims under the Fourth, Eighth, and Fourteenth Amendments, 42 U.S.C. § 1983, and Louisiana tort law against numerous Louisiana State Police officials. The district court dismissed the Eighth Amendment claims and permitted amendment; after amendment and further Rule 12(b)(6) litigation, only a Fourteenth Amendment claim and state-law claims against Bordelon, LaCroix, Cook, and Lacoste remained. The district court dismissed the federal and negligence claims against Cook and Lacoste but denied dismissal as to Bordelon and LaCroix. The Fifth Circuit later reversed as to qualified immunity, dismissed the appeal concerning state-law claims without prejudice, and remanded. After the remaining defendants answered, the district court dismissed the remaining federal claims with prejudice, declined supplemental jurisdiction over the state-law claims, dismissed those claims without prejudice, and denied the pending motion to continue as moot.

DISPOSITION

dismissed

CASES CITED

- Exxon Mobil Corp. v. Allapattah Services, Inc., 545 U.S. 546, 547 (2005)
- Enochs v. Lampasas County, 641 F.3d 155, 158–61 (5th Cir. 2011)
- Guzzino v. Felterman, 191 F.3d 588, 595 (5th Cir. 1999)
- Parker & Parsley Petroleum Co. v. Dresser Industries, 972 F.2d 580, 585–92 (5th Cir. 1992)
- Wong v. Stripling, 881 F.2d 200, 204 (5th Cir. 1989)
- Francis v. Louisiana, No. CV 21-706, 2022 WL 1134935, at *2–4 (E.D. La. Apr. 18, 2022)
- E.H. by & Through Abron v. Barrilleaux, 519 F. Supp. 3d 328, 342 (E.D. La. 2021)
- Smith v. Amedisys Inc., 298 F.3d 434, 446–47 (5th Cir. 2002)
- Mendoza v. Murphy, 532 F.3d 342, 346–47 (5th Cir. 2008)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726–27 (1966)
- Newport Ltd. v. Sears, Roebuck & Co., 941 F.2d 302, 307–08 (5th Cir. 1991)
- Batiste v. Island Records Inc., 179 F.3d 217, 228 (5th Cir. 1999)
- Doddy v. Oxy USA, Inc., 101 F.3d 448, 456 (5th Cir. 1996)
- Knatt v. Hospital Service District No. 1 of East Baton Rouge Parish, 373 F. App'x 438, 443 (5th Cir. 2010) (per curiam)
- Waste Systems, Inc. v. Clean Land Air Water Corp., 683 F.2d 927, 931 (5th Cir. 1982)
- Hicks v. Austin Independent School District, 564 F. App'x 747, 749 (5th Cir. 2014) (per curiam)
- Moak v. Illinois Central Railroad Co., 631 So. 2d 401, 406 (La. 1994), holding modified by Wolford v. JoEllen Smith Psychiatric Hospital, 96-2460, 693 So. 2d 1164 (La. May 20, 1997)
- Henry v. Southwest Airlines, 23-522, 392 So. 3d 1176, 1182 (La. App. 5 Cir. July 31, 2024), writ denied, 396 So. 3d 68 (La. Nov. 20, 2024)
- Artis v. District of Columbia, 583 U.S. 71, 88 (2018)

- Watt v. City of New Orleans, 647 F. Supp. 3d 496, 507 (E.D. La. 2022), aff'd, No. 23-30050, 2023 WL 6807033 (5th Cir. Oct. 16, 2023)
- Fountain v. City of New Orleans, No. CV 18-145, 2018 WL 3475375, at *2 (E.D. La. July 19, 2018)

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