

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TANYA CARPENTER ET AL.

CIVIL ACTION

VERSUS

NO: 25-788

TANGIPAHOA PARISH ET AL.

SECTION: “J”(4)

ORDER

Before the Court is a *Motion for Attorney Fees and Expenses* (**Rec. Doc. 113**), filed by Defendant Kelly Wells. Plaintiffs opposed the motion (Rec. Doc. 115), and Defendant Kelly Wells filed a reply memorandum (Rec. Doc. 116). Having considered the motion and legal memoranda, the record, and the applicable law, the Court finds that the motion should be **DENIED**.

Pursuant to 42 U.S.C. § 1988, a court may, in its discretion, award attorney’s fees to the prevailing party in a civil rights suit. 42 U.S.C. § 1988(b). For a successful defendant to recover attorney’s fees under § 1988, the defendant must show that the plaintiff’s claim was “frivolous, unreasonable, or groundless.” *Myers v. City of West Monroe*, 211 F.3d 289, 292 (5th Cir. 2000) (quoting *Walker v. City of Bogalusa*, 168 F.3d 237, 239 (5th Cir. 1999)); *E.E.O.C. v. Agro Distrib., LLC*, 555 F.3d 462, 472 (5th Cir. 2009).

To determine whether a civil rights suit is frivolous, a district court should consider various factors, including “whether the plaintiff established a *prima facie* case, whether the defendant offered to settle, and whether the court held a full trial.” *Myers*, 211 F.3d at 292 (citation omitted). The high standard applied to defendants is

designed to “ensure that plaintiffs with uncertain but arguably meritorious claims are not altogether deterred from initiating litigation by the threat of incurring onerous legal fees should their claims fail.” *Id.* (quoting *Aller v. N.Y. Bd. of Elections*, 586 F. Supp. 603, 605 (S.D.N.Y. 1984)).

In this case, the Court finds that Plaintiffs’ § 1983 claims were not frivolous, unreasonable, or groundless. On both their First and Fourteenth Amendment claims, Plaintiffs established their *prima facie* case and, in fact, prevailed on these claims against two other defendants. Furthermore, the Court held a full jury trial. Because Plaintiffs’ civil rights claims had merit, Defendant Kelly Wells is not entitled to attorney’s fees under § 1988.

Accordingly,

IT IS HEREBY ORDERED that Defendant Kelly Wells’s *Motion for Attorney Fees and Expenses (Rec. Doc. 113)* is **DENIED**.

New Orleans, Louisiana, this 7th day of August, 2026.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE