

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ALANA CAIN, ET AL.

CIVIL ACTION

VERSUS

NO. 15-4479

CITY OF NEW ORLEANS, ET AL.

SECTION "R" (2)

**DECLARATORY JUDGMENT**

Named Plaintiffs, on behalf of all persons similarly situated, filed this action against, among others, the Judges of the Orleans Parish Criminal District Court (OPCDC), challenging the debt collection practices of that court. The undisputed evidence in this case establishes that the Judges have a policy or practice of not inquiring into criminal defendants' ability to pay before those individuals are imprisoned for nonpayment of court debts. The undisputed evidence further establishes that because of the Judges' institutional conflict of interest, the Judges fail to provide a neutral forum for determination of criminal defendants' ability to pay. The Fourteenth Amendment to the U.S. Constitution prohibits a state actor from arresting or detaining a criminal defendant solely for failure to pay a court-imposed debt absent a determination of ability to pay. *See Bearden v. Georgia*, 461 U.S. 660 (1983). The Fourteenth Amendment also requires a state court to provide a neutral forum in which to adjudicate ability to pay. *See Ward v.*

*Village of Monroeville*, 409 U.S. 57 (1972); *Tumey v. Ohio*, 273 U.S. 510 (1927). Considering this law, the evidence in the record, and the Court's orders and reasons on file herein,

IT IS ORDERED, ADJUDGED AND DECREED that judgment is hereby entered in favor of Plaintiffs on Count Five of the Complaint. The Court DECLARES that with respect to all persons who owe or will incur court debts arising from cases adjudicated in OPCDC, the Judges' policy or practice of not inquiring into the ability to pay of such persons before they are imprisoned for nonpayment of court debts is unconstitutional. The Court further DECLARES that with respect to all persons who owe or will incur court debts arising from cases adjudicated in OPCDC, and whose debts are at least partly owed to the OPCDC Judicial Expense Fund, the Judges' failure to provide a neutral forum for determination of such persons' ability to pay is unconstitutional.

New Orleans, Louisiana, this 3rd day of August, 2018.

  
SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE