

United States Court of Appeals for the Fifth Circuit

No. 24-30671
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 30, 2025

Lyle W. Cayce
Clerk

BILLY R. THOMAS,

Plaintiff—Appellant,

versus

MARCUS L. FONTENOT,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:23-CV-1074

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

We REMAND this appeal for the limited purpose of determining jurisdiction. Appellant Billy R. Thomas brought the underlying lawsuit against Judge Marcus L. Fontenot and four others. The appeal in this case regards the decision in favor of Judge Fontenot who moved to dismiss the complaint. The district court granted that motion, leading to this appeal.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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In a May 17, 2024, order, the magistrate judge stated that the other defendants were not properly served. However, the district court's docket entry dated November 2, 2023, indicates that several of the other defendants did have their summons executed.

Given this discrepancy, we remand this case to the district court for the limited purpose of determining if proper service was made on any of the defendants other than Judge Fontenot. Once determined, the district court can return this case to us to determine our jurisdiction. *See* 28 U.S.C. § 1291; FED. R. CIV. P. 54(b).

Accordingly, this appeal is REMANDED.