

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 1, 2014

No. 12-30527

Lyle W. Cayce
Clerk

LATRINA D. THOMAS, Tutrix, on behalf of Ka'Dary Da'Shun Thomas,

Plaintiff–Appellee,

v.

SCOTT NUGENT, individually and in his official capacity as police officer for
the City of Winnfield,

Defendant–Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:08-CV-1167

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before JOLLY, GARZA, and OWEN, Circuit Judges.

PER CURIAM:*

Latrina D. Thomas brought suit on behalf of her minor son seeking damages for the death of her son's father, Baron Pikes. The district court denied Officer Scott Nugent's assertion of qualified immunity as to Thomas's excessive force claim. In an earlier opinion, we reversed the district court and remanded

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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for dismissal of the claims against Nugent.¹ On May 19, 2014, the Supreme Court vacated our earlier judgment and remanded the case² for consideration in light of *Tolan v. Cotton*.³

In light of the Supreme Court's decision in *Tolan*, we remand this case to the district court for further proceedings consistent with *Tolan*.

* * *

We REMAND to the district court for reconsideration.

¹ *Thomas v. Nugent*, 539 F. App'x 456 (5th Cir. 2013).

² *Thomas v. Nugent*, No. 13-862, 2014 WL 235065 (U.S. May 19, 2014).

³ 134 S. Ct. 1861 (2014) (per curiam).