United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
March 14, 2025
Lyle W. Cayce
Clerk

No. 24-30277

MICHAEL LEDET,

Plaintiff—Appellant,

versus

STATE OF LOUISIANA, *through Department of Public Safety & Corrections*; CHRISTOPHER ESKEW, *Lieutenant Colonel*; EMILY BISHOP; KIM BRIMAGE; WILLIAM H. COOPER, III,

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:23-CV-492

Before HAYNES, DUNCAN, and WILSON, *Circuit Judges*.

PER CURIAM:[*]

Michael Ledet appeals the dismissal of his complaint challenging the constitutionality of a Louisiana statute as applied to him. Because we agree

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

with the district court that *Rooker-Feldman*[1] precludes this lawsuit and his 42 U.S.C. § 1983 claim does not apply beyond that, we AFFIRM.

I. Background

A. Statutory Background

Louisiana's Sex Offender Registration and Notification Act ("SORNA") requires residents who have been convicted of sex crimes to register as a sex offender or child predator. LA. STAT. ANN. § 15:540(A). SORNA classifies sex offenders into three categories, *id.* § 15:544, which we call Tier 1, Tier 2, and Tier 3.

When a Louisiana resident has been convicted of a federal sex crime, the Louisiana Bureau of Criminal Identification and Information (an arm of the Louisiana Department of Public Safety and Corrections, the agency tasked with carrying out SORNA) compares the elements of the federal offense to the elements of "the most comparable Louisiana offense." *Id.* § 15:542:1.3(B)(2)(a). Upon determining the most comparable state offense, the Bureau assigns the offender to a tier, depending on the severity of the offense. Higher tiers result in progressively longer registration periods. *Id.* § 15:544.

Relevant here, SORNA categorizes individuals "convicted of a sexual offense against a victim who is a minor" into Tier 2. *Id.* § 15:544(B)(1). A "sexual offense against a victim who is a minor" includes, among other crimes, possessing "[p]ornography involving juveniles." *Id.* § 15:541(25)(d). Thus, an individual in Louisiana convicted of possessing "any photograph, videotape, film, or other reproduction, whether electronic

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[1] The familiar *Rooker-Feldman* doctrine refers to two Supreme Court cases: *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

or otherwise, of any sexual performance involving a child under the age of seventeen" must register as a Tier 2 offender. *Id.* § 14:81.1(B)(8).

B. Factual Background

In 2005, federal prosecutors charged Ledet with one count of possession of an image displaying a minor engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252. That statute criminalizes knowingly possessing a "visual depiction" of a minor engaged in sexually explicit conduct. *Id.* Anyone under the age of eighteen qualifies as a "minor." *Id.* § 2256(1).

Ledet pleaded guilty and then registered under SORNA upon completion of his sentence. At that point, he received a Tier 1 offender classification and became subject to a fifteen-year registration period.[2]

That all changed in 2014 when Ledet appeared for his annual, in-person renewal at the St. Tammany Parish Sheriff's Office. The deputy taking his registration questioned whether his tier assignment was correct. After Ledet provided his federal court records, the Bureau reclassified Ledet as a Tier 2 offender. When doing so, the Bureau stated that § 2252 is most similar to LA. STAT. ANN. § 14:81.1, a Tier 2 statute. To support this change, Kim Bass, an employee at the Department, retroactively filled out a "Tier Classification Summary Sheet," in which she concluded that both statutes require the minor to be under the age of seventeen. Emily Bishop, another employee at the Department, signed off on Bass's conclusion, and Christopher Eskew, the deputy director of the Registry, adopted the new tier

[2] At the time of his release, Ledet's registration period was only ten years. But subsequently, the Louisiana Legislature established a fifteen-year registration period for Tier 1 offenders and applied it retroactively to people in Ledet's position. *See* LA. STAT. ANN. § 15:544(A) (prior to amendment by 2007 LA. ACTS, No. 460 § 2).

assignment. Immediately, Ledet became subject to a ten-year-longer registration period.

Ledet timely requested an administrative hearing before a Louisiana Administrative Law Judge ("ALJ"). The ALJ upheld the Tier 2 reclassification, and Ledet petitioned for judicial review in a state district court. The district court denied Ledet's petition and signed an amended judgment in favor of the Bureau, determining that its decision was not "arbitrary and capricious." *Ledet v. La. Dep't of Pub. Safety & Corr.*, 2017-1457, pp. 3–4 (La. App. 1 Cir. 9/24/18), 259 So. 3d 348, *writ denied*, 2018-1751 (La. 1/28/19), 262 So. 3d 901, *cert denied*, 139 S. Ct. 2757 (2019) (describing the procedural history). That decision became final when the state court of appeal affirmed the district court, the Louisiana Supreme Court declined to exercise its discretionary review, and the United States Supreme Court denied Ledet's petition for certiorari. *See id.*

C. Procedural Background

Fast forward to June of 2023, when Ledet filed a complaint in federal district court seeking declaratory and injunctive relief. In his complaint, Ledet argues that the Louisiana courts' interpretation of LA. STAT. ANN. § 15:542.1.3 is unconstitutional as applied to him. He also asserts a 42 U.S.C. § 1983 claim against the Department, Bass, Bishop, and Eskew.

Ledet argues that the Bureau conflated two elements of two different criminal statutes. He points out that the "element of age of the victim" and "the element of whether an image is of an actual person or a computer-generated image" are different between the federal and state statutes. Because there were no factual determinations at the time Ledet pleaded guilty regarding the minor's age or if the image of the minor was computer generated, it is possible that he was convicted of a federal crime that is not a crime under Louisiana law. Ledet complains that a blanket equating of the

two crimes under § 15:542.1.3 to calculate his registration period violates due process because there are insufficient underlying facts to demonstrate that he *actually* committed both crimes.

The Defendants moved to dismiss the case, arguing that the district court lacked subject matter jurisdiction over the constitutional claim and that Ledet had failed to state a claim under § 1983. The district court granted the motion, and Ledet timely appealed.

II. Standard of Review

We review orders granting dismissal for lack of jurisdiction and under Rule 12(b)(6) de novo. *Home Builders Ass'n. v. City of Madison*, 143 F.3d 1006, 1010 (5th Cir. 1998); *White v. U.S. Corr., L.L.C.*, 996 F.3d 302, 306 (5th Cir. 2021).

III. Discussion

Ledet asks us to ignore *Rooker-Feldman* and hold that the federal district court had jurisdiction over his constitutional challenge; we decline to reverse.

A. Legal Overview—*Rooker-Feldman*

The United States Supreme Court maintains exclusive federal appellate jurisdiction to reverse or modify a state-court judgment. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283 (2005). Accordingly, we maintain no jurisdiction to entertain lawsuits that "essentially invite[]" a "review and revers[al] [of] unfavorable state-court judgments." *Id.* at 283. This doctrine—known as *Rooker-Feldman*—requires dismissal of complaints if "(1) a state-court loser; (2) alleg[es] harm caused by a state-court judgment; (3) that was rendered before the district court proceedings began; and (4) the federal suit requests reversal of the state-court judgment." *Burciaga v. Deutsche Bank Nat'l Tr. Co.*, 871 F.3d 380, 384 (5th Cir. 2017) (quotation omitted).

But the Supreme Court has cautioned that the doctrine occupies a "narrow ground." *Skinner v. Switzer*, 562 U.S. 521, 532 (2011) (quotation omitted). Nonjudicial decisions are fair game. *See Truong v. Bank of Am., N.A.*, 717 F.3d 377, 382 (5th Cir. 2013) ("[*Rooker-Feldman*] also does not bar a challenge to a rule on which a judicial decision was based if the rule was promulgated in a non-judicial proceeding." (internal quotation marks and citation omitted)). Likewise, statutes or rules governing state-court decisions can be challenged in federal court, and the plaintiff may deny legal conclusions in a prior state-court judgment, so long as the plaintiff states an "independent" claim in the federal forum. *See id.* In those instances, "state-law preclusion principles control." *Id.*

B. Application of *Rooker-Feldman* to Ledet

It is undisputed that Ledet lost his original state-court challenge, and the state-court decision came before he filed this federal lawsuit. However, Ledet argues the other *Rooker-Feldman* elements are not satisfied because he is not challenging a state court *judgment*; rather, he positions his challenge as one to the definitive interpretation of a state *statute*, albeit as directly applied to him.

Moreover, Ledet argues that *Rooker-Feldman* does not preclude his as-applied constitutional challenge because he had no reasonable opportunity to bring his constitutional challenge before the state courts. He argues that (1) a Louisiana ALJ has no jurisdiction to entertain constitutional claims, and (2) the state district court's review was appellate in nature and confined to considering only what the ALJ addressed in the first instance. Ledet contends he was barred from raising his civil constitutional challenge before the ALJ; he was only allowed to dispute the proper interpretation of LA. STAT. ANN. § 15:542:1.3(B)(2)(a), which was then upheld on appeal. *See* LA. CONST. art. V § 16 ("[A] district court shall have *original* jurisdiction

of all civil and criminal matters." (emphasis added)). To bolster these points, Ledet argues that his constitutional challenge only became "cognizable" after his original fifteen-year Tier 1 registration expired and he was required to continue his registration in 2022, preventing him from raising the constitutional challenge before the state courts. He also cites two cases from our sister circuits to support that *Rooker-Feldman* is inapplicable to his situation: *Andrade v. City of Hammond*, 9 F.4th 947, 951 n.1 (7th Cir. 2021), and *Thana v. Board of License Commissioners for Charles County*, 827 F.3d 314, 321 (4th Cir. 2016).

First, Ledet's reliance on *Andrade* and *Thana* is misplaced. In *Andrade*, the plaintiff alleged the same injury in his federal action as he did in state court, and the Seventh Circuit held that the plaintiff's attempt to relitigate his claims based on those same injuries was not a *Rooker-Feldman* issue, though it might present a preclusion issue. *Andrade*, 9 F.4th at 949, 951. Here, Ledet argued in the state courts that the Bureau violated his due process rights *by reclassifying him as a Tier 2 offender*. After the Supreme Court denied certiorari, Ledet filed this federal action, alleging that the state courts' *definitive interpretation* of § 15:542.1.3 violates his due process rights. Thus, Ledet's federal claim is unlike the one in *Andrade* in that he bases his federal cause of action on injury from the state courts' *judgments*, not from the Bureau's actions.

Thana is likewise distinguishable. In that case, the plaintiff sought judicial review of a state agency's decision in state court. After receiving a judgment in the state trial court, but before appealing to the state appellate court, the plaintiff filed a federal lawsuit directly challenging the state agency's decision, without challenging the state trial court's judgment. The Fourth Circuit held that *Rooker-Feldman* did not preclude jurisdiction because, *inter alia*, the plaintiff's federal suit "challeng[ed] the action of a state administrative agency, *rather than alleging injury caused by a state court judgment*," and *Rooker-Feldman* does not preclude a federal court from

directly reviewing state agency action.[3] *Thana*, 827 F.3d at 321–22. But Ledet, by contrast, does not simply levy a *direct challenge* to the Bureau's actions; rather, he expressly challenges *the state court judgments*, arguing that the state courts' interpretation of § 15:542.1.3 in his case violates his due process rights. *Thana* is thus inapplicable here.

But even putting aside whether *Andrade* and *Thana* are distinguishable, we lack jurisdiction to adjudicate Ledet's claim for the simple reason that we could not consider Plaintiff's due process argument without effectively reviewing and reversing the Louisiana state court of appeal's decision. Were we to hold that LA. STAT. ANN. § 15:542:1.3(B)(2)(a)—as interpreted by the Bureau and applied to Ledet by the state court—violates his due process rights, we would be invalidating the state court's upholding of his particular Tier 2 assignment. In other words, we cannot separate the as-applied constitutional analysis from the Louisiana court of appeal's judgment. *Cf. Truong*, 717 F.3d at 382; *Doe v. Fla. Bar*, 630 F.3d 1336, 1341–42 (11th Cir. 2011) ("*Rooker–Feldman* bars as-applied constitutional challenges, but not facial challenges."). Our approach here is consistent with the Ninth Circuit's on this issue. *See Scheer v. Kelly*, 817 F.3d 1183, 1186 (9th Cir. 2016) (holding that a plaintiff's constitutional challenge to the state bar's decision to invalidate her license, which she appealed to the

[3] To be sure, a plaintiff may directly challenge a state agency's action in federal court, where federal law permits them to do so. *Verizon Maryland, Inc. v. Pub. Serv. Comm'n of Maryland*, 535 U.S. 635, 644 n.3 (2002); *see also Exxon Mobil Corp.*, 544 U.S. at 287. Indeed, the plaintiff in *Thana* did just that. *Thana*, 827 F.3d at 318, 321. But a *Rooker-Feldman* problem arises where a plaintiff first seeks judicial review of a state agency decision in state court, obtains a final judgment, and *subsequently* brings a federal action *challenging the state courts' decision* affirming the state agency. That distinction is "subtle," but it demarcates the line between a claim barred by preclusion principles and a claim for which lower federal courts lack jurisdiction. *Id.* at 320.

Supreme Court of California, constituted a "de facto appeal" of the state court's denial of her petition for review).

Second, we need not determine if state-court losers can bring challenges in federal court when (1) the ALJ had no statutory jurisdiction to hear the federal challenge in the first instance, and (2) the state district court, sitting in its appellate capacity, was confined to only those challenges entertained by the ALJ. Louisiana law expressly permits review of constitutional challenges to an ALJ's decision on appeal. *See* LA. STAT. ANN. § 49:978.1(G) ("The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: (1) In violation of constitutional or statutory provisions . . . ."); *see also, e.g.*, *Orillion v. Crawford*, 2005-0559, p. 5 (La. App. 1 Cir. 9/1/06), 964 So. 2d 950, 954 ("[I]t is our conclusion that the trial court in the instant case, sitting as an appellate court reviewing the Board's decision, had the power and authority to determine legal issues and/or constitutional issues."). *But see Riggins v. Kaylo*, 05-1900, p. 3 (La. App. 1 Cir. 9/15/06), 943 So. 2d 1154, 1156 ("[A] proper challenge to the constitutionality of a statute should first be brought before the district court sitting as a trial court, not as an appellate court."). More critically, Ledet *did* raise his constitutional challenge before the state court. His state district court petition asserted that "assigning [him] a Tier 2 offender classification violated his constitutional right to due process" and that allowing the Bureau to change his tier classification "by assuming facts that were not alleged, admitted, or established in a court of law" "violates his right to due process." The Louisiana state courts appear to have rejected

this challenge when affirming his classification.[4] This is sufficient to conclude we lack jurisdiction over Ledet's case pursuant to *Rooker-Feldman*.

C. 42 U.S.C. § 1983

The district court granted a Rule 12(b)(6) motion on the § 1983 claim. With respect to the Department, it is not a "person," so under this statute, the claim fails as a matter of law. *See Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989).

With respect to Eskew, the district court noted that the sole allegation against him is that he adopted the Tier 2 reclassification. Accordingly, it correctly dismissed with prejudice as to Eskew. *See Pena v. City of Rio Grande City*, 879 F.3d 613, 620 (5th Cir. 2018) (explaining the high bar that plaintiffs alleging supervisory liability under § 1983 need to surpass).

Turning to Bass and Bishop, the district court correctly noted that *Rooker-Feldman* precludes consideration of Ledet's reclassification constituting a due process violation, and his complaint does not identify how Bass and Bishop plausibly deprived him of another constitutional right. Accordingly, the district court correctly found that Ledet fails to allege a plausible § 1983 claim against Bass and Bishop.

IV. Conclusion

We AFFIRM the district court's order.

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[4] It is true, as Ledet points out, that the state courts did not expressly address Ledet's constitutional challenge. However, because the state courts ruled for his opponents, they implicitly ruled against him on this point. Ledet has not pointed to any authority demonstrating that a state appellate court's implicit ruling on a raised issue undermines the *Rooker-Feldman* analysis.