

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 9, 2026

Lyle W. Cayce
Clerk

No. 25-30186

JEREMY RACHAL,

Plaintiff—Appellant,

versus

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS; TIMOTHY HOOPER, *Warden of Louisiana State
Penitentiary*; JAMES LEBLANC, *Secretary of Department of Corrections*;
JOHN OR JANE DOE, *Chief Medical and Mental Health Director of
Department of Corrections*; JOHN OR JANE DOE, *Assistant Warden for
Health Services at Louisiana State Penitentiary*; JOHN OR JANE DOE,
Medical Director at Louisiana State Penitentiary; JOHN OR JANE DOE,
Chief Nursing Officer for the Department of Corrections; JOHN OR JANE
DOE, *Director of Nursing at Louisiana State Penitentiary*; JOHN OR JANE
DOE, *Nurse Practitioners at Louisiana State Penitentiary*; JOHN OR JANE
DOE, *Emergency Medical Technicians at Louisiana State Penitentiary*; JOHN
OR JANE DOE, *Doctors at Louisiana State Penitentiary*,

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:24-CV-402

No. 25-30186

Before STEWART, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM: *

Jeremy Rachal, Louisiana prisoner # 590548, moves for leave to proceed in forma pauperis (IFP) on appeal from the district court's dismissal of his 42 U.S.C. § 1983 complaint and denial of his postjudgment motion. The district court dismissed the complaint without prejudice for insufficient service under Federal Rule of Civil Procedure 4(m). Rachal's IFP motion is a challenge to the district court's certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

We review the dismissal for insufficient service for abuse of discretion. *Lindsey v. United States R.R. Ret. Bd.*, 101 F.3d 444, 445 (5th Cir. 1996). However, where as here, the applicable statute of limitations bars further litigation, we review a district court's dismissal of a complaint without prejudice pursuant to Rule 4(m) under the heightened standard of review applicable to dismissals with prejudice. *See Cruz v. La. ex rel. Dep't of Pub. Safety. & Corr.*, 528 F.3d 375, 378-81 (5th Cir. 2008); *Millan v. USAA Gen. Indem. Co.*, 546 F.3d 321, 326 (5th Cir. 2008).

Based on the record, a nonfrivolous issue exists as to whether "a clear record of delay or contumacious conduct by [Rachal] exists and a lesser sanction would not [have] better serve[d] the interests of justice." *Millan*, 546 F.3d at 326 (internal quotation marks and citations omitted); *see Baugh*, 117 F.3d at 202. Further, Rachal has demonstrated that he is financially eligible to proceed IFP. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). Additional briefing is unnecessary.

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

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Accordingly, Rachal's motion to proceed IFP is GRANTED. The judgment of the district court is VACATED, and the case is REMANDED for further proceedings.