

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 9, 2026

Lyle W. Cayce
Clerk

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*.

No. 25-30186

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.