

United States Court of Appeals  
for the Fifth Circuit

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No. 25-30456

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 14, 2026

JARED FOLKS,

Lyle W. Cayce  
Clerk

*Plaintiff—Appellant,*

*versus*

VINCENZO ANTONIO SAINATO; GERALD TURLICH, *in his Official  
Capacity as Sheriff of Plaquemines Parish,*

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:23-CV-643

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

PER CURIAM:\*

In this case, Jared Folks seeks to overturn a jury verdict finding that Officer Vincenzo Antonio Sainato was not liable for a faulty investigation into a hit-and-run involving Folks's company vehicle. Because Folks has failed to establish that there was insufficient evidence to support the jury verdict, we AFFIRM.

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

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## I

On February 13, 2022, a truck carrying a trailer behind it collided with the gate leading out of a Belle Chasse, Louisiana subdivision. The footage reflected an image of the truck driver, who was a tall, thinner male with a full head of hair. The footage also showed that the side of the truck bore the name of Folks's company, AirTight Solutions, and the company's phone number. Using that phone number, Officer Sainato made two calls to Folks: one on Monday, February 14, and another on Tuesday, February 15. Although the parties generally agree that the conversations involved Officer Sainato's requests for further information and documentation of the incident, they disagree on exactly what was said. It is undisputed that Folks ultimately did not provide Officer Sainato the information he requested.

Officer Sainato filed an affidavit seeking an arrest warrant for Folks, who he listed as a six-foot, two-hundred-and-twenty-pound male with brown hair. Folks was arrested for two misdemeanors: hit and run driving, and failure to have evidence of auto insurance in the vehicle. Folks was arrested, held for three days, and ultimately released on bond. After Folks was released from jail, he looked for and acquired surveillance footage that showed he was in his office, not driving the truck, during the February 13 incident. Meanwhile, Folks was charged by the Plaquemines Parish District Attorney with both misdemeanors. The case was set for trial, but the charges were ultimately dismissed.

Folks brought suit against Officer Sainato, Sheriff Gerald Turlich, and several other defendants, and the case proceeded to a jury trial. After the district court granted several motions for judgment as a matter of law, only four claims remained against Officer Sainato:

- (1) a Section 1983 claim for violating Folks's Fourth Amendment rights under *Franks v. Delaware*, 438 U.S. 154

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(1978); (2) a Section 1983 claim for violating Folks's Fourth Amendment rights under *Castellano v. Fragozo*, 352 F.3d 939 (5th Cir. 2003) (en banc), *overruled by Thompson v. Clark*, 596 U.S. 36 (2022); (3) a Louisiana-law claim for false arrest/false imprisonment; and (4) a Louisiana-law malicious prosecution claim.

In addition, one derivative vicarious liability claim remained against Sheriff Turlich.

During deliberations, the jury asked one question: "Can we put a footnote or message in the verdict that if there is no finding of fault by Sainato can we indicate that we think Sainato should be sanctioned by his superiors for [ ]reckless or irresponsible actions[?]" The court conferred with the parties and, with their agreement, answered: "The jury's obligation is to follow the instructions provided by the court and complete the verdict form as presented." The jury returned to its deliberations and later returned a verdict finding Officer Sainato not liable on all four claims. As a result, they did not reach the jury question regarding qualified immunity, or the claim against Sheriff Turlich (which failed as a matter of law). The court entered judgment dismissing Folks's remaining claims with prejudice.

After trial, Folks filed a renewed motion for judgment as a matter of law and alternative motion for a new trial. The district court denied Folks's motions, and Folks timely appealed.

## II

The district court had jurisdiction over Folks's federal claims under 28 U.S.C. § 1331, and supplemental jurisdiction over his state law claims under 28 U.S.C. § 1367. This court has appellate jurisdiction to review the district court's final judgment pursuant to 28 U.S.C. § 1291.

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### III

Folks raises two overarching arguments on appeal. The first is that the jury's verdict as to all four remaining claims is unsupported by the evidence and must be overturned. The second is that the court erred by giving an instruction on mitigation of damages. We consider each argument in turn.

#### A

##### 1

This court reviews a district court's denial of a motion for judgment as a matter of law de novo, "applying the same standard as the district court." *Heck v. Triche*, 775 F.3d 265, 272 (5th Cir. 2014) (quoting *Foradori v. Harris*, 523 F.3d 477, 485 (5th Cir. 2008)). "Although [the] review is de novo, . . . [the] standard of review with respect to a jury verdict is especially deferential" because it "is a challenge to the legal sufficiency of the evidence supporting the jury's verdict." *Id.* at 272–73 (first quoting *Hiltgen v. Sumrall*, 47 F.3d 695, 699 (5th Cir. 1995); and then quoting *Flowers v. S. Reg'l Physician Servs. Inc.*, 247 F.3d 229, 235 (5th Cir. 2001)); see also *Polanco v. City of Aus.*, 78 F.3d 968, 974 (5th Cir. 1996) ("The standard for evaluating the sufficiency of evidence is whether the evidence has such quality that reasonable and fair-minded persons would reach the same conclusion.").

In evaluating the denial of a motion for judgment as a matter of law, the court "draw[s] all reasonable inferences and resolve[s] all credibility determinations in the light most favorable" to the verdict. *Heck*, 775 F.3d at 273. "The jury's verdict can only be overturned if there is no legally sufficient evidentiary basis for a reasonable jury to find as the jury did." *Griggs v. Chickasaw Cnty.*, 930 F.3d 696, 701 (5th Cir. 2019) (quoting *Miller v. Raytheon Co.*, 716 F.3d 138, 144 (5th Cir. 2013)); *Heck*, 775 F.3d at 273 ("[The court] 'will reverse the denial of a motion for judgment as a matter of law only if the evidence points so strongly and so overwhelmingly in favor of the nonmoving

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party that no reasonable jury could return a contrary verdict.’” (quoting *Foradori*, 523 F.3d at 485)).

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In light of the deferential standard of review, the evidence presented at trial, the parties’ arguments, and the district court’s reasons, we conclude that Folks fails to establish that no reasonable jury could have reached the conclusions it did here. On appeal, Folks relies primarily on the surveillance footage of the truck driver, arguing that because the image of the driver is clearly not him, Officer Sainato must have made the statements in his affidavit with reckless disregard for the truth, must have known that no probable cause existed, and must have made the arrest with malice. But a jury found otherwise.

When asked for instances in which this court has overturned a jury verdict in the same or similar circumstances, Folks’s counsel cited two cases. The first is *Babin v. Plaquemines Parish*, No. 21-30417, 2022 WL 3097852 (5th Cir. Aug. 3, 2022) (per curiam). In that case, the plaintiffs sued their employer for not paying them overtime for time spent on “standby.” *Id.* at \*1. The parties stipulated that the employer never paid time and a half overtime to the employees; the remaining question was merely whether the time on “standby” constituted working time. *Id.* at \*3–4. In an interrogatory, the jury determined that the standby constituted working time, but simultaneously found that the employer was not liable for overtime pay. *Id.* at \*2–3. In an unpublished opinion, this court held that the district court should have granted judgment as a matter of law in favor of the employees because there was no evidence to support the verdict. *Id.* at \*3. The jury had found that standby time was working time, and the parties agreed that the plaintiffs had not been paid overtime for that working time. *Id.*

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Folks's case is unlike *Babin* because there is additional evidence to support the verdict: For example, the jury heard evidence that someone with the subdivision's homeowner's association also concluded that Folks was driving the truck based on an email Folks and his attorney sent to the homeowner's association. The district court recounted that in an email, Folks stated that the gate "'closed in between the cab of *my* [t]ruck and bed,' and that '[w]e did not have any contact information at that time'—implying that Folks was involved in the collision." Further, there are several reasons the jury may have found Folks's recollection of his conversations with Officer Sainato to be non-credible, including his "lack of full candor about his litigation history" and "general litigiousness."<sup>1</sup>

The second case counsel cited is *Johnson v. Thibodaux City*, 887 F.3d 726 (5th Cir. 2018), an unlawful arrest and excessive force case involving a traffic stop. In that case, after the officers initiated a valid traffic stop on a car to arrest the driver, the officers proceeded to arrest a passenger because the passenger refused to provide valid identification. *Id.* at 733. This court overturned the jury verdict because it was "predicated upon an erroneous legal conclusion": that the passenger was lawfully stopped, and thus committed a crime for refusing to provide identification. *Id.* at 735. In reality, the stop of the passenger was unlawful because there was no reasonable suspicion the passenger committed a crime. *Id.*

But Folks does not explain how *Johnson* is applicable here. He cites the case in his opening brief only as support for the appropriate standard of review. Further, *Johnson* is simply another case where this court held that a jury *lacked* facts to support its decision—not that it chose the wrong side of a

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<sup>1</sup> Specifically, on direct examination, Folks failed to disclose a lawsuit he filed on behalf of his deceased father. He also testified about "at least two other lawsuits in which [he] claimed that he would suffer pain and mental anguish for the rest of his life."

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factual dispute.<sup>2</sup> And to the extent the panel held that the jury’s verdict rested on an erroneous legal conclusion, Folks has not explained how the verdict in this case suffers a similar deficiency.

Drawing all reasonable inferences and resolving all credibility determinations in the light most favorable to the verdict, we affirm the district court’s determination that there was a sufficient evidentiary basis for the jury’s verdict. *See Heck*, 775 F.3d at 273; *Griggs*, 930 F.3d at 701.

## B

### 1

We next consider Folks’s challenge to the mitigation instruction. Preserved challenges to a jury instruction are reviewed for abuse of discretion. *RSBCO v. United States*, 104 F.4th 551, 555 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 1059 (2025). “A party challenging jury instructions ‘must demonstrate that the charge as a whole creates substantial and ineradicable

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<sup>2</sup> Folks also cites to the jury’s question about sanctioning Officer Sainato, arguing that it constitutes a “finding” of recklessness. Contrary to Folks’s argument, the question does not constitute a finding of anything. Further, after being instructed to “follow the instructions provided by the court and complete the verdict form as presented,” the jury proceeded to deliver a verdict that Officer Sainato was not liable on all claims. “A jury is presumed to follow its instructions[, and] to understand a judge’s answer to its question.” *Weeks v. Angelone*, 528 U.S. 225, 234 (2000) (citing *Richardson v. Marsh*, 481 U.S. 200, 211 (1987)).

And even if the jury believed Officer Sainato was reckless in conducting his investigation generally, general recklessness is insufficient to establish liability on any of Folks’s claims. A *Franks* claim specifically requires “deliberate falsehood” or “reckless disregard for the truth.” *See Franks v. Delaware*, 438 U.S. 154, 171 (1978) (emphasis added). A *Castellano* claim does not involve any recklessness requirement, nor do Louisiana claims for malicious prosecution or false arrest/false imprisonment. *See Espinal v. City of Houston*, 96 F.4th 741, 748 (5th Cir. 2024) (discussing *Castellano* claims); *Phillips v. L. Brands Serv. Co., L.L.C.*, 82 F.4th 291, 302 (5th Cir. 2023) (discussing Louisiana malicious prosecution claims); *Deville v. Marcantel*, 567 F.3d 156, 172 (5th Cir. 2009) (discussing Louisiana false imprisonment/false arrest claims).

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doubt whether the jury has been properly guided in its deliberations.’” *Id.* (quoting *Johnson v. Samyer*, 120 F.3d 1307, 1315 (5th Cir. 1997)). However, unpreserved challenges to a jury instruction are reviewed for plain error. *United States v. Redd*, 355 F.3d 866, 874 (5th Cir. 2003). “Under the plain error standard, the ‘appellant must show clear or obvious error that affects his substantial rights; if he does, this court has discretion to correct a forfeited error that seriously affects the fairness, integrity, or public reputation of judicial proceedings, but [is] not required to do so.’” *Id.* (quoting *United States v. Gordon*, 346 F.3d 135, 137 (5th Cir. 2003)).

After Officer Sainato requested an instruction on mitigation of damages, Folks’s counsel stated the following: “We object to the mitigation charge especially given Defendant’s theory of what the mitigation is, it should have given up the surveillance to Sainato instead of the [district attorney].” No further argument or discussion was had regarding that instruction, and the district court delivered the Fifth Circuit Pattern Jury Instruction on mitigation of damages.<sup>3</sup> *See* 5TH CIR. DIST. JUDGES ASS’N, PATTERN JURY INSTRUCTIONS (CIVIL CASES) § 15.5 (2020).

Federal Rule of Civil Procedure 51(c)(1) requires that an objection to a jury instruction “stat[e] distinctly the matter objected to and the grounds for the objection.” This circuit has “repeatedly held that a general objection to the district court’s jury instructions is insufficient to satisfy Rule 51.” *Redd*, 355 F.3d at 874 (quoting *Russell v. Plano Bank & Tr.*, 130 F.3d 715, 719 (5th Cir. 1997)). Here, Folks’s counsel purportedly objected to the mitigation instruction, but the objection lacked the specificity required to satisfy Rule

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<sup>3</sup> After delivering the instruction, the district court asked if there were “[a]ny issues that anybody heard in [the] recitation of the instructions.” Folks’s counsel responded, “I don’t think so, not from the plaintiff.”

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51. *See id.* (holding that an objection to a jury instruction lacked the specificity required by Rule 51 when counsel argued that it was “against the law in the Fifth Circuit” because it conflicted with two cases, without explaining the contours of that conflict). Thus, Folks’s challenge to the mitigation charge is reviewed for plain error. *See id.*

Plain error exists only if the error is “clear or obvious” and “affects [Folks’s] substantial rights.” *Id.* (quoting *Gordon*, 346 F.3d at 137). Even if those requirements are met, this court has the discretion to correct the error only if it “seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *Id.* Folks cannot make the threshold showing. There was evidence presented at trial that suggested Folks failed to mitigate his damages by declining to undergo a recommended medical procedure, thus warranting a mitigation instruction. Additionally, Folks does not argue that the instruction given was an incorrect statement of law. *See United States v. Whitfield*, 590 F.3d 325, 354 (5th Cir. 2009) (“It is well-settled that a district court does not err by giving a charge that tracks this [c]ircuit’s pattern jury instructions and that is a correct statement of the law.” (citing *United States v. Turner*, 960 F.2d 461, 464 (5th Cir. 1992))).<sup>4</sup> Accordingly, Folks has not established that there was a clear or obvious error, that any purported error

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<sup>4</sup> In challenging the mitigation instruction, Folks cites to statements made during Officer Sainato’s closing argument. Specifically, during closing, Officer Sainato argued that if the jury found him liable, it should reduce Folks’s damages because he failed to turn over the surveillance footage showing him in his office. Folks now argues that statement laid the groundwork for the jury to find Officer Sainato not liable on an untenable theory. To begin, Folks failed to object to that statement and its allowance is thus reviewed for plain error. *United States v. Taylor*, 210 F.3d 311, 318 (5th Cir. 2000). However, a review of the cited statement reflects that Officer Sainato offered this argument as to damages, not liability. In light of that fact, Folks has not made clear how the statement meets the plain error standard or otherwise entitles him to a new trial.

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seriously affected the fairness of the proceeding, or that this court should overturn the verdict based on the instruction. *Redd*, 355 F.3d at 874.

#### **IV**

For the foregoing reasons, the judgment of the district court is AFFIRMED.

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JAMES E. GRAVES, JR., *Circuit Judge*, concurring in the judgment:

I concur fully in Parts I, II, III-A, and IV of the opinion. As to Part III-B, because I conclude that Folks adequately preserved his jury instruction challenge, I disagree that the standard of review is plain error. Instead, we should review for abuse of discretion. Even under that standard, his challenge fails, so I concur in the judgment.

“A party who objects to an instruction . . . must do so on the record, stating distinctly the matter objected to and the grounds for the objection.” Fed. R. Civ. P. 51(c)(1).

The majority cites *United States v. Redd*, 355 F.3d 866 (5th Cir. 2003) in holding that Folks did not preserve his argument. In *Redd*, the defendant claimed that the district court erred by refusing to give his proposed instruction, resulting in a misstatement of the law. *Id.* at 873. In an off-record discussion, the defendant had argued that the jury instructions needed to include language “straight from” *United States v. Oviedo*.<sup>1</sup> *Id.* at 873–74. But we found that his on-record objection only amounted to a protest that the instruction was “‘against the law in the Fifth Circuit’ because it conflicts with *Oviedo* in some way.” *Id.* at 874. Without incorporating the off-record discussion—which we could not—the objection lacked the specificity to satisfy the procedural rule’s requirements, and we reviewed for plain error. *Id.*; see also *Russell v. Plano Bank & Tr.*, 130 F.3d 715, 719 (5th Cir. 1997) (holding that the objection, “can we just have an objection that to the extent that the Plaintiff’s requested instructions were not given, we would object on that ground[?]” was insufficient under Rule 51); *Bolton v. Tesoro Petrol. Corp.*, 871 F.2d 1266, 1272 (5th Cir. 1989) (finding that objecting “to the extent any

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<sup>1</sup> 525 F.2d 881 (5th Cir.1976).

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charge [they] requested was not given by the Court” was insufficient under Rule 51).

Here, Folks was more specific. His counsel articulated, “We object to the mitigation charge especially given defendant’s theory of what the mitigation is, it should have given up the surveillance to Sainato instead of the [district attorney].” He was concerned that Sainato’s mitigation argument turned on prevention of harm, instead of being premised on a proper mitigation theory—that Sainato could have mitigated his injuries by procuring reasonable medical care, for example.<sup>2</sup> This objection adequately preserves the argument.

Even so, Folks’ jury instruction challenge fails.

We review preserved errors in jury instructions for abuse of discretion. *United States v. Martinez*, 921 F.3d 452, 477 (5th Cir. 2019). We “ask whether the court’s charge, as a whole, is a correct statement of the law and whether it clearly instructs jurors as to the principles of the law applicable to the factual issues confronting them.” *Id.* (citation omitted).

The mitigation instruction read, “If you [the jury] find the defendant is liable and the plaintiff has suffered damages, the plaintiff may not recover for any item of damage which he could have avoided through reasonable effort.” The instruction is a correct statement of the law, and Folks does not argue otherwise. Instead, he claims that this instruction allowed Sainato to make a liability argument. Sainato’s counsel argued at closing, “You’re going to hear in the law that if he’s going to claim that he was wrongfully arrested, then you have to consider whether he had the possibility to prevent that arrest

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<sup>2</sup> Folks claimed he suffered a physical injury due to his time in the holding cell. His orthopedic surgeon recommended surgery to relieve his back pain, which he did not undergo.

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himself, and I'm going to read you straight from the instruction." Sainato's counsel also read the mitigation of damages instruction, then argued, "This instruction is telling you, even if you find that Deputy Sainato is liable, that he's done something wrong here, if you find that Mr. Folks could have prevented the arrest in the first place on his own, zero damages to Mr. Folks."

To highlight the issue with this closing argument, Folks cites an out-of-circuit case where a plaintiff was hit repeatedly by police officers and sued for excessive use of force. *Miller v. Lovett*, 879 F.2d 1066, 1068 (2d Cir. 1989), *partially abrogated on other grounds by Graham v. Connor*, 490 U.S. 386 (1989). The mitigation instruction given there stated that even if the jury found "that the plaintiff was injured as a natural consequence of conduct by the defendants in violation of Section 1983, [it] must determine whether the plaintiff could have done something to avoid or minimize the harm that he suffered." *Id.* at 1069. The Second Circuit held that the trial court "erred in instructing the jury to consider whether [the plaintiff] 'could have avoided or minimized the harm that he suffered.'" *Id.* at 1070. It explained that a proper mitigation charge limits the jury's consideration to the plaintiff's actions *after* injury. *Id.* And "[i]f a plaintiff's duty to mitigate damages were to include the duty to avoid the underlying injury, few arrestees could recover damages under § 1983 since most could have 'avoided' engaging in the conduct that precipitated the arrest." *Id.* at 1071. Because the instruction likely left the jury highly confused, its inclusion was reversible error. *Id.*

The instruction given here is not the same as in *Miller*. In *Miller*, the court instructed the jury to consider whether the plaintiff could have done something to minimize his *harm*. Here, the instruction stated that a person has the duty to minimize *damages*. Sainato's counsel's closing argument on this point may have been improper, but the jury instruction was a correct statement of the law regarding damages. And since the jury found no liability,

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there was no need to make a finding regarding damages. The district court did not abuse its discretion by allowing the mitigation of damages instruction.