

Judgment rendered August 19, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 2166,
La. C.C.P.

No. 56,983-CA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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JOHN-PAUL MOORE YOUNG

Plaintiff-Appellant

versus

CITY OF SHREVEPORT AND
MAYOR TOM ARCENEUX

Defendants-Appellees

* * * * *

Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 655,703

Honorable Don C. Burns, Judge, *Ad Hoc*

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JOHN-PAUL MOORE YOUNG

In Proper Person,
Appellant

MAYER, SMITH & ROBERTS, LLP
By: David F. Butterfield

Counsel for Appellees

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Before PITMAN, ROBINSON, and ELLENDER, JJ.

ROBINSON, J.

John-Paul Moore Young (“Young”) filed a petition for declaratory judgment and injunctive relief on February 26, 2025, against the City of Shreveport (the “City”) and its mayor, Tom Arceneaux (“Mayor Arceneaux”), regarding the interpretation of the criminal trespass statute, La. R.S. 14:63. Young is a Caddo Parish police juror but filed suit in his individual capacity. An amended petition was filed on May 1, 2025, following the trial court’s granting of the City’s exceptions of no right of action and no cause of action. The City reasserted the previous exceptions as well as the exceptions of lack of standing, prescription, and failure to demonstrate a justiciable controversy. Following a hearing on September 5, 2025, the court granted the City’s exceptions of no right of action, no cause of action, and lack of standing. Exceptions of prescription and failure to demonstrate a justiciable controversy were not addressed. A final judgment was entered on September 15, 2025, from which Young appeals.

For the following reasons, we AFFIRM the trial court’s sustaining of Mayor Arceneaux’s and the City’s exceptions of no right of action, lack of standing, and no cause of action, and its judgment dismissing Young’s case with prejudice.

FACTS AND PROCEDURAL HISTORY

Young owns two properties in the Highland neighborhood of Shreveport. His property located at 424 College Street is his domicile and is located within approximately 250 feet of three vacant houses that he alleges are frequently entered by trespassers. A house approximately 450 feet from his home was completely burned by trespassers in January 2024, and

trespassers allegedly continued to enter the garage apartment of the property. Young is also a fifty-percent owner of property located at 916 Kirby Place, which is currently being renovated. He alleges the property has been violated multiple times by a trespasser who cut the gate lock, replaced it with a different lock, and posted a “Keep Out” sign.

On July 22, 2022, Young reported a trespass to the Shreveport Police Department (“SPD”) and provided security camera photographs of the trespasser. According to Young, the responding officer, Officer J.D. Claitt (“Officer Claitt”), immediately recognized the trespasser from the photographs as a serial trespasser known to SPD who had burned down multiple houses in the Highland neighborhood. He claims that Officer Claitt acknowledged that the report, combined with her own recognition of the subject, clearly met the threshold for probable cause, but she stated that she was not permitted to make an arrest for trespass under SPD’s notice-requirement policy. She allegedly told Young that she could not arrest the trespasser at that time or on future occasions, even if she personally observed him on the property, unless Young were simultaneously present to provide concurrent notice for the trespasser to vacate the property. Young claims that Officer Claitt explained that SPD policy required a direct complaint from the property owner, and her only suggestion for removing the trespasser was to have him evicted by court order as if he were a tenant.

Mayor Arceneaux issued a written memorandum on March 3, 2025, declaring an official interpretation of the criminal trespass statute, La. R.S. 14:63, which stated that SPD officers cannot legally arrest trespassers pursuant to the statute without some communication from the lawful

possessor that notice of trespass has been given. Chief of Police Wayne Smith (“Chief Smith”) confirmed the interpretation at a March 10, 2025, Shreveport City Council Property Standards Committee meeting.

The relevant portions of La. R.S. 14:63 are as follows:

A. No person shall enter any structure, watercraft, or movable owned by another without express, legal, or implied authorization.

B. (1) No person shall enter upon immovable property owned by another without express, legal, or implied authorization.

...

C. (1) No person shall remain in or upon property, movable or immovable, owned by another without express, legal, or implied authorization.

(2) For purposes of this Subsection:

(a) “Remain in or upon property”, in addition to its common meaning, signification, and connotation, includes:

(i) The continued presence of an occupant, as defined by Code of Civil Procedure Article 4704, for longer than five days after being served with written notice to vacate in accordance with Code of Civil Procedure Article 4702 or 4703.

(ii) The continued presence of a squatter who has been directed to vacate by a lawful possessor either verbally, by written notice, or by posting of conspicuous signage advising that the property is privately owned and unlawful trespass is prohibited.

...

(b) “Squatter” means any person who remains in or upon property to which the person lacks a right of possession, ownership, occupancy, or a lease interest.

...

J. Although not required by this Section, notice that entrance upon any structure, watercraft, movable, or immovable property owned by another is prohibited may be indicated by either of the following:

(1) A sign or signs posted on or in the property at a place or places where such sign or signs may be reasonably expected to be seen.

(2) The placement of identifying purple paint marks on the trees or posts on the property ...

Young filed a petition for declaratory judgment and injunctive relief against Mayor Arceneaux and the City on February 26, 2025, to obtain a judgment that a finding of probable cause is permitted under La. R.S. 14:63 without affirmative notice from a property owner, per Subsection (J) of the statute, as well as injunctive relief ordering Mayor Arceneaux and the City to refrain from instructing SPD officers that La. R.S. 14:63 does not permit a finding of probable cause without affirmative notice from a property owner that trespass is prohibited. Young ultimately abandoned his request for injunctive relief. Following a hearing on April 1, 2025, the trial court granted the exceptions of no right of action and no cause of action, finding that there were no allegations of a specific property right but allowed Young to amend his petition. Following a hearing on the amended petition on September 5, 2025, in which Young referred to specific instances of trespass on property he owned, and the interaction with Officer Claitt, the court again granted the exceptions.

The trial court determined that Young was not challenging the law itself, but the applicability or enforcement of the law, by asking the court to use its discretion to instruct Mayor Arceneaux and the City how to apply the law. It found that he had no right to do so, because merely owning property does not create a special individual interest. It found Young did not set forth grounds to show he had standing to champion a cause pertaining to the population at large; therefore, he had no cause of action. The court noted Young was simply dissatisfied with the law and was asking the court to make a discretionary political decision, but the judiciary does not have

authority to tell another body of government how to make decisions and officers had discretion to make arrests.

DISCUSSION

Standard of Review

The trial court's judgment was entered on the exceptions of no right of action, lack of standing, and no cause of action. No evidence was introduced, and the court did not reach the point in which a decision was made whether to grant or refuse to render a declaratory judgment. The exceptions present questions of law decided on the face of the pleadings; therefore, a de novo standard of review is to be applied. *Mott v. River Par. Maint., Inc.*, 432 So. 2d 827 (La. 1983). A court of appeal reviews de novo a lower court's ruling sustaining an exception of no cause of action because the lower court's decision is generally based only on the sufficiency of the petition. *Blackett v. City of Monroe*, 33,339 (La. App. 2 Cir. 9/7/00), 766 So. 2d 768.

No Right of Action/Lack of Standing

The peremptory exception of no right of action, La. C.C.P. art. 927(A)(6), is based on La. C.C.P. art. 681, which provides that "an action can be brought only by a person having a real and actual interest which he asserts." *Acadiana Renal Physicians, AMC v. Hodges*, 24-302 (La. App. 3 Cir. 2/12/25), 406 So. 3d 598. The function of the exception is a determination of whether the plaintiff belongs to the class of persons to whom the law grants the cause of action asserted in the petition. *Id.*; *Badeaux v. Southwest Computer Bureau, Inc.*, 05-612 (La. 3/17/06), 929 So. 2d 1211; *Alston v. Stamps*, 38,628 (La. App. 2 Cir. 6/23/04), 877 So. 2d 259,

writ denied, 04-1923 (La. 11/8/04), 885 So. 2d 1132. The peremptory exception of no right of action assumes that the petition states a valid cause of action for some person and questions whether the plaintiff is a member of the class that has a legal interest in the subject matter of the litigation. *Id.*; *Howard v. Administrators of Tulane Educ. Fund*, 20-2224 (La. 7/1/08), 986 So. 2d 47; *Badeaux, supra*; *Alston, supra*; *Blackett, supra*. When evaluating the exception, the court accepts that allegations of the petition as true. *Id.* The exception of no right of action calls into question whether the plaintiff has standing or interest required under the law to bring the suit. *League of Women Voters v. City of New Orleans*, 381 So. 2d 441 (La. 1980). Whether the defendant may be able to defeat the plaintiff's cause of action is immaterial to the determination of an exception of no right of action. *Acadiana Renal Physicians, supra*.

For declaratory judgment actions specifically, La. C.C.P. art. 1872 defines the relevant plaintiff class as any person "whose rights, status, or other legal relations are affected by a statute." *Id.* A party is entitled to relief by declaratory judgment when his rights are uncertain or disputed in an immediate and genuine situation, and the declaratory judgment will remove the uncertainty or terminate the dispute. *Manning v. State*, 19-698 (La. App. 3 Cir. 9/23/20), 304 So. 3d 981, *writ denied*, 20-1239 (La. 12/22/20), 307 So. 3d 1038.

A public right or duty may not be compelled or enforced by a private citizen without a showing of a personal grievance or interest in the outcome. *League of Women Voters, supra*. Without a showing of some special interest in the performance sought of a public board, officer, or commission,

which is separate and distinct from the interest of the public at large, plaintiff will not be permitted to proceed. *Id.* In other words, without some peculiar, special, and individual interest, a citizen has no standing in court to champion a cause or subject-matter which pertains to the whole people in common. *Id.*

Young argues that he has a right of action because he has a particularized injury that satisfies the “special and individual interest” standard. He claims that he has continuously suffered direct, personal, and ongoing harm, not merely the generalized harm shared by the public, because the specific property he owns has been directly targeted by an identified serial trespasser known to SPD, he was personally refused current and future enforcement of La. R.S. 14:63 without his concurrent notice to the trespasser to vacate the property due to Mayor Arceneaux’s and the City’s policy, and he has suffered an ongoing loss of security and property value. Young asserts that a declaration that the policy contradicts La. R.S. 14:63(J) would redress his injuries by restoring officers’ lawful discretion to find probable cause and make arrests without awaiting concurrent owner notification.

Even though there was a trespassing incident at Young’s property, by his own admission, it is an issue common among the entire Highland neighborhood. Likewise, Young’s loss of security and any decline in property value would also be common to the neighborhood. He is not involved in any particular action that would be directly impacted by the application of the trespass statute, such as the prosecution of a trespasser of his property. A past trespassing incident does not rise to the level of Young

having a peculiar, special, and individual interest that would entitle him to champion the cause of other like property owners in the Highland neighborhood. Therefore, the trial court did not err in sustaining the exception of no right of action.

No Cause of Action

The peremptory exception of no cause of action, La. C.C.P. art. 927(A)(5), refers to the operative facts which give rise to the plaintiff's right to judicially assert the action against the defendant. *Terrebonne Par. Consol. Gov't v. La. Dep't of Nat. Res.*, 21-0486 (La. App. 1 Cir. 12/30/21), 340 So. 3d 940. The purpose of the exception is to test the legal sufficiency of the petition by determining whether the law affords a remedy on the facts alleged in the petition. *Id.* An exception of no cause of action is strictly triable upon the face of the pleadings. *Id.* The trial court explained the difference between the exceptions of no right of action and no cause of action, citing *Badeaux, supra*:

This Court has recognized that one of the primary differences between the exception of no right of action and no cause of action lies in the fact that the focus in an exception of no right of action is on whether the particular plaintiff has a right to bring a suit, while the focus in an exception of no cause of action is on whether the law provides a remedy against the particular defendant.

There is no right or cause of action when there is no justiciable controversy. *Abbott v. Parker*, 259 La. 279, 249 So. 2d 908 (1971). The Supreme Court in *Abbott* defined "justiciable controversy":

A "justiciable controversy" connotes, in the present sense, an existing actual and substantial dispute, as distinguished from one that is merely hypothetical or abstract, and a dispute which involves the legal relation of the parties who have real adverse interests, and upon which the judgment of the court may effectively operate through a decree of conclusive character.

Further, the plaintiff should have a legally protectable and tangible interest at stake, and the dispute presented should be of sufficient immediacy and reality to warrant the issuance of a declaratory judgment. *Id.* at 918.

A court must deny a request for declaration of rights if the issue presented is academic, theoretical, or based upon a contingency that may or may not arise. *Tugwell v. Members of Board of Highways*, 228 La. 662, 83 So. 2d 893 (1955).

Young argues that he is not seeking enforcement of the statute by way of requiring officers to make an arrest; rather, he is simply seeking a declaration that an officer *may* find probable cause under La. R.S. 14:63 without a concurrent complaint or notice from the property owner. By his own characterization of the remedy he seeks, Young indicates that there must still be a finding of probable cause, regardless of whether a declaratory judgment interpreting the statute is issued. There are several factors that would impact a determination of probable cause for trespass. Officers are also afforded discretion as to whether to make an arrest. Further, Young does not allege that he provided any notice at all to trespassers to vacate his property, either verbally or in writing, including by posting any signs indicating his properties were privately owned and unlawful trespass was prohibited, nor does he allege that any of his neighbors reported trespassers on his property. Therefore, it is speculation that Mayor Arceneaux's and the City's policy regarding notice given to trespassers based on an alleged misinterpretation of the statute was the reason SPD failed to make an arrest in Young's particular situation. It is also hypothetical whether any change in the interpretation or enforcement of the trespass statute will affect property values or have any impact on trespass in the neighborhood.

Given the numerous other factors involved in making arrests pursuant to the trespass statute, a declaratory judgment interpreting the notice provisions of La. R.S. 14:63 would not have provided a remedy that significantly impacted a finding of probable cause to make arrests. Therefore, the trial court did not err in sustaining the exception of no cause of action.

CONCLUSION

For the foregoing reasons, we AFFIRM the trial court's sustaining of Mayor Arceneaux's and the City's exceptions of no right of action, lack of standing, and no cause of action, and its judgment dismissing Young's case with prejudice. All costs of this proceeding are assessed to Young.

AFFIRMED.