

STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700

No. 57,087-CW

MARTIN TEXADA

VERSUS

M. SGT. MICHAEL PESNELL;
STATE OF LOUISIANA THROUGH
LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS,
DAVID WADE CORRECTIONAL CENTER

FILED: 05/15/26

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On application of M. Sgt. John Pesnell and State of Louisiana Through Louisiana Department of Public Safety and Corrections, David Wade Correctional Center for SUPERVISORY WRIT in No. C-41991 on the docket of the Second Judicial District, Parish of CLAIBORNE, Judge Walter Edward May, Jr.

DEPARTMENT OF JUSTICE
Timothy R. Wynn
Gregory S. Barkley
Liz Murrill

Counsel for:
M. Sgt. John Pesnell and State of
Louisiana Through Louisiana
Department of Public Safety and
Corrections, David Wade
Correctional Center

GRODNER LAW FIRM
Donna Unkel Grodner

Counsel for:
Martin Texada

Before COX, ROBINSON, and MARCOTTE, JJ.

WRIT GRANTED AND MADE PEREMPTORY; REMANDED.

The applicants, M. Sgt. John Pesnell (“Pesnell”) and State of Louisiana through Louisiana Department of Public Safety and Corrections (“DPSC”), seek supervisory review of the trial court’s April 20, 2026, ruling rescinding the trial court’s March 19, 2026, ruling dismissing this matter, and denying their motion to dismiss this matter for abandonment pursuant to La. R.S. 15:1186(B)(2)(c).

On November 15, 2019, while incarcerated, Martin Texada sued Pesnell and the DPSC pursuant to the Prison Litigation Reform Act (PLRA), La. R.S. 15:1186.

The same day, the trial court granted his request to proceed *in forma pauperis*. La. R.S. 15:1186 allows a prisoner to file suit under *in forma pauperis* status but nevertheless requires the filing fees to be paid within three years of when they were incurred. The statute further mandates that the prisoner’s suit will be

deemed abandoned and dismissed by operation of law if the filing fees are not paid within three years of when they were incurred.

Here, the evidence presented to the trial court established that Martin Texada failed to timely pay all of his initial filing fees within the time delay provided in La. R.S. 15:1186; accordingly, by operation of law, his suit was abandoned once the three-year period lapsed without timely payment and the suit must be dismissed. The trial court's April 20, 2026, ruling rescinding the March 19, 2026, order of dismissal and denying the motion to dismiss is not supported by the record and was in error.

This writ is hereby granted and made peremptory. The trial court's April 20, 2026, ruling is reversed. The matter is remanded to the trial court with instructions to dismiss the suit in accordance with La. R.S. 15:1186(B)(2)(c).

Shreveport, Louisiana, this 5 day of August, 2026.

  

FILED: August 5, 2026


DEPUTY CLERK