

The Supreme Court of the State of Louisiana

RAYMOND SCOTT, ET AL.

No. 2024-CD-01591

VS.

LOUISIANA STATE POLICE, ET AL.

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IN RE: Louisiana State Police - Applicant Defendant; Louisiana Department of  
Wildlife and Fisheries - Applicant Defendant; Applying For Supervisory Writ,  
Parish of Orleans Civil, Civil District Court Number(s) 2024-09816;  
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January 09, 2025

Writ application granted. See per curiam.

JDH  
JTK  
WJC

Weimer, C.J., dissents and assigns reasons.  
McCallum, J., concurs and assigns reasons.  
Griffin, J., dissents for reasons assigned by Chief Justice Weimer.  
Guidry, J., dissents.

Supreme Court of Louisiana  
January 09, 2025

Katie Marjanovic  
Chief Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 2024-CD-01591**

**RAYMOND SCOTT, ET AL.**

**VS.**

**LOUISIANA STATE POLICE, ET AL.**

*On Supervisory Writ to the Civil District Court, Parish of Orleans Civil*

**PER CURIAM:**

Relators, the Louisiana State Police and the Louisiana Department of Wildlife and Fisheries, invoke our supervisory jurisdiction to review a December 13, 2024 judgment of the district court enjoining relators from taking action to clear homeless encampments on public property in the City of New Orleans. Considering, the interests of judicial economy, the need to provide a definitive resolution of this issue and the possibility of a constitutional infringement, we elect to exercise our plenary supervisory authority under La. Const. Art. V, §5(a). *See Unwired Telecom Corp. v. Par. of Calcasieu*, 2003-0732, p. 8 (La. 1/19/05), 903 So. 2d 392, 400 (explaining “the constitutional grant of supervisory authority to this court is plenary, unfettered by jurisdictional requirements, and exercisable at the complete discretion of the court”); *see also Mellor v. Parish of Jefferson*, 2022-01713 (La. 9/1/23), 370 So. 3d 388, 391 (explaining this court may exercise its plenary authority “based on the possibility of a constitutional infringement”).

Article VI, §9(B) of the Louisiana Constitution, entitled “Limitations of Local Governmental Subdivisions,” provides “[n]otwithstanding any provision of this Article, the police power of the state shall never be abridged.” We have recognized this article was added to the constitution as a counterbalance to ensure that the powers granted to home rule governments would not be used to deprive the

state government of its inherent powers. *Morial v. Smith & Wesson Corp.*, 2000-1132 (La. 4/3/01), 785 So. 2d 1, 14. This section has also been characterized as “a positive reaffirmance of the supremacy of the state’s police power.” *Lafourche Parish Council v. Autin*, 94-0985, p. 18 (La.12/9/94), 648 So.2d 343, 357.

The district court’s December 13, 2024 judgment places restraints on relators by requiring them to comply with certain provisions of the Code of the City of New Orleans and invoke “judicial process” before acting. It is clear this judgment improperly interferes with the State’s exercise of its constitutionally authorized police powers under La. Const. Art. VI, §9(B). Accordingly, the injunction is invalid on its face and must be dissolved.

### **DECREE**

For the reasons assigned, the writ is granted and made peremptory. It is ordered that the motions of the Louisiana State Police, the Louisiana Department of Wildlife and Fisheries, and the Louisiana Department of Transportation and Development to dissolve the temporary restraining orders are granted. It is further ordered that the December 13, 2024 judgment issuing a preliminary injunction against the Louisiana State Police and the Louisiana Department of Wildlife and Fisheries, is reversed, and the injunction is immediately dissolved.