Fifth Circuit Court of Appeal
State of Louisiana

No. 26-CA-201

TAMEKA RUFFIN

versus

CEDRIC MCCASTLE, JR.

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 864-452, DIVISION "D"
HONORABLE JACQUELINE F. MALONEY, JUDGE PRESIDING

November 25, 2026

JOHN J. MOLAISON, JR.

JUDGE

Panel composed of Judges Jude G. Gravois,
John J. Molaison, Jr., and Scott U. Schlegel

REVERSED AND RENDERED

JJM
JGG
SUS

TRUE COPY

MORGAN NAQUIN
DEPUTY CLERK

COUNSEL FOR PLAINTIFF/APPELLANT,
TAMEKA RUFFIN

Sarah Stone
Anders F. Holmgren
Matthew R. Slaughter
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DEFENDANT/APPELLEE,
CEDRIC MCCASTLE, JR.

In Proper Person

MOLAISON, J.

In this appeal related to a divorce proceeding, the appellant, who was allowed to proceed as an *in forma pauperis* plaintiff by the district court, now seeks review of the court's denial of her request to assess costs against the defendant, the party cast in judgment, notwithstanding her status as the prevailing party. For the following reasons, we reverse the portion of the judgment denying her request to assess costs against the defendant, and we render judgment casting the defendant with all costs of these proceedings.[1]

PROCEDURAL HISTORY

On May 1, 2025, the Plaintiff /Appellant, Ms. Tameka Ruffin, filed a Petition for Divorce under La. C.C. art. 103(1) at the 24th Judicial District Court for the Parish of Jefferson. The Petition prayed "that any and all cost of these proceedings be assessed to the defendant." On that same date, Ms. Ruffin filed an In Forma Pauperis ("IFP") Affidavit listing no income and identifying assistance from a cousin for bills. An Affidavit of No Income dated February 27, 2025 was filed in support of the pauper request. The court granted Ms. Ruffin leave to proceed *in forma pauperis* on May 2, 2025. Personal service of the Petition, Verification, and Affidavit of Non-Covenant Marriage/Non-Military/Non-Pregnancy was made on the Defendant/Appellee, Cedric McCastle, Jr., on May 22, 2025, per the Ascension Parish Sheriff's Office return.[2] On March 5, 2026, Ms. Ruffin submitted the La. C.C.P. art. 1702(F) divorce checklist certifying the petition was filed on May 1, 2025, that separation was as of February 10, 2024, and personal service was made on May 22, 2025; the clerk certified that no answer or other pleading had been filed. On March 5, 2026,

[1] The March 5, 2026 judgment at issue in these proceedings granted the parties' divorce. The plaintiff did not raise any issues regarding the divorce on appeal and thus, the portion of the judgment granting the divorce is not subject to our review.

[2] The word "Pauper" is included on the "Service Information" section of the citation document.

Ms. Ruffin filed an Affidavit specifically attesting to the factual allegations in the Petition.

On March 5, 2026, the Domestic Commissioner granted a Judgment of Divorce by default without a hearing, dissolving the marriage, but denied the Plaintiff's request to assess costs to the Defendant. In its written reasons, the court noted there was no indication in the record that the Defendant received notice of the Plaintiff 's IFP request or the May 2, 2025 IFP order and concluded that assessing costs against the Defendant under these circumstances would violate due process.

On May 1, 2026, Ms. Ruffin moved for a devolutive appeal, expressly not challenging the divorce but appealing "solely to correct the judgment by having all court costs assessed against the defendant" and asserting entitlement to appeal IFP under La. C.C.P. art. 5185(A). On May 4, 2026, the district court granted the devolutive appeal limited to the March 5, 2026 judgment's ruling on court costs and recognized Ms. Ruffin's entitlement to a devolutive appeal and record preparation without prepayment of costs. This appeal followed.[3]

ASSIGNMENT OF ERROR

The district court erred in denying Ms. Ruffin's request to assess court costs against the Defendant, the party cast in judgment, in violation of Louisiana Code of Civil Procedure article 5186.

STANDARD OF REVIEW

Questions of law, including the interpretation and application of the Code of Civil Procedure articles governing assessment of costs and *in forma pauperis* status, are reviewed *de novo*. The appellate court is not required to give deference

[3] Mr. McCastle has not made an appearance on appeal, answered the appeal, or otherwise challenged the Commissioner's ruling at issue.

to the lower court in interpreting a statute. *Carver v. Louisiana Dep't of Pub. Safety*, 17-1340 (La. 1/30/18), 239 So.3d 226, 230.

LAW AND ANALYSIS

The *in forma pauperis* privilege was extended to divorce and separation proceedings following the United States Supreme Court's decision in *Boddie v. Connecticut,* 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971), which held that due process requires states to provide access to courts for divorce proceedings regardless of ability to pay. Louisiana's legislature amended La. C.C.P. art. 5181 in 1972 to conform to that constitutional mandate, as recognized by the Louisiana Supreme Court in *Jones v. Jones*, 297 So.2d 198 (La. 1974). Under Louisiana law, when a plaintiff in a divorce action has been granted *in forma pauperis* status and judgment is rendered in her favor, the opposing spouse must be assessed all court costs. La. C.C.P. art. 5186(C) mandates this result, expressly providing that the party against whom judgment is rendered shall be condemned to pay all costs due to a public officer. This mandatory rule overrides the trial court's general equitable discretion to tax costs under La. C.C.P. art. 1920.[4] *Cage v. Cage*, 99-2072 (La. App. 1 Cir. 9/22/00), 809 So.2d 144, 145; *Snowton v. Snowton*, 09-600 (La. App. 4 Cir. 9/30/09), 22 So.3d 1111, 1112-13. This rule applies regardless of whether the divorce is contested or obtained by default, and regardless of the opposing spouse's own financial circumstances or location; indeed, our sister circuit has enforced it even against a defendant who had left the jurisdiction, never responded to the petition or citation, and was likely judgment-proof. *Porter v.*

[4] La. C.C.P. art. 1920 generally grants trial courts discretion to render judgment for costs against any party as it may consider equitable. However, Louisiana appellate courts across all circuits have uniformly held that this general discretion is limited in IFP cases by the more specific and mandatory provision of Article 5186(C). As the Fourth Circuit stated in *Ulyanov v. Ulyanov*, 09-642 (La. App. 4 Cir. 9/23/09), 23 So.3d 380, 381, the Article 1920 discretion is limited in a pauper case by the more specific provision found in Article 5186, which mandates the assessment of costs to the party against whom judgment is rendered. This principle has been affirmed by the First, Second, Third, and Fourth Circuits. *See Cage v. Cage*, 99-2072 (La. App. 1 Cir. 9/22/00), 809 So.2d 144, 145; *Holloway v. Holloway*, 01-273 (La. App. 3 Cir. 6/6/01), 787 So.2d 600; *Porter v. Porter*, 46,754 (La. App. 2 Cir. 12/14/11), 79 So.3d 1287; and *Smith v. Smith*, 99-365 (La. App. 4 Cir. 5/5/99), 733 So.2d 729.

Porter, 46,754 (La. App. 2 Cir. 12/14/11), 79 So.3d 1287, 1289. The opposing spouse's potential inability to pay does not alter the mandatory nature of the cost-shifting rule.

The grant of pauper status is within the trial court's discretion, and once granted, it stays in effect unless traversed or rescinded through the procedure set up by La. C.C.P. art. 5184. In this case, the record on appeal is devoid of any evidence that Ms. Ruffin's right to continue *in forma pauperis* was ever traversed or rescinded.

DUE PROCESS AND DEFAULT LIMITS

We note that the Commissioner's reasons for judgment were issued after the order of appeal had already been granted in this matter. The granting of an order of appeal divests the trial court of jurisdiction over all matters reviewable under the appeal pursuant to La. C.C.P. art. 2088, and the issuance of written reasons for judgment is not among the limited functions the trial court retains after divestiture. This Court has previously held that such post-appeal reasons ordinarily should not be considered by the appellate court. *See Perry v. Emps. Ins. of Wausau*, 24-535 (La. App. 5 Cir. 8/6/25), 421 So.3d 994, 1002, *writ denied*, 25-01137 (La. 11/19/25), 420 So.3d 1185. However, the Appellant has not moved to strike the reasons for judgment from the record. Nevertheless, even if the reasons were properly before us, appellate courts do not review reasons for judgment as a part of the judgment itself. La. C.C.P. art. 1918; *Burmaster v. Plaquemines Parish Government*, 07-1311 (La. 8/31/07), 963 So.2d 378, 379 (per curiam). The Louisiana Supreme Court has held, however, that a court of appeal can use reasons for judgment to gain insight into the district court's judgment. *See Wooley v. Lucksinger*, 09-571 (La. 4/1/11), 61 So.3d 507, 572. We refer to the Commissioner's reasons solely for that limited purpose, and we do not treat them as part of the judgment under review.

The Commissioner relied on due process and La. C.C.P. art. 1703's constraint[5] that default judgments may not award relief different in kind from that demanded. The record shows the petition demanded assessment of costs against Defendant, he was personally served, and the citation reflected "pauper" status.

Here, Article 1703's limitation is satisfied because assessment of costs against Defendant was prayed for in the petition; the judgment requested on costs is not different in kind from that demand. La. C.C.P. art. 5186 and our state's jurisprudence do not recognize a distinct due process notice requirement specific to the cost assessment component of an IFP default divorce judgment. We therefore find the Commissioner legally erred by refusing to assess costs to Defendant under Article 5186 after rendering judgment in favor of the indigent Plaintiff..

DECREE

For the reasons stated, we reverse the judgment insofar as it denied the assessment of costs against the Defendant, and we render judgment casting the Defendant, Cedric McCastle, Jr., with all costs of these proceedings.

REVERSED AND RENDERED

[5] The article provides: "A default judgment shall not be different in kind from that demanded in the petition. The amount of damages awarded shall be the amount proven to be properly due as a remedy."

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **NOVEMBER 25, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

Curtis B. Pursell

CURTIS B. PURSELL
CLERK OF COURT

26-CA-201

E-NOTIFIED
24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE JACQUELINE F. MALONEY (DISTRICT JUDGE)
ANDERS F. HOLMGREN (APPELLANT)
JAMES H. GILBERT (APPELLANT)
SARAH STONE (APPELLANT)

MAILED
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