Fifth Circuit Court of Appeal
State of Louisiana

No. 26-CA-207

SHAKEL WALKER SYLVE

versus

DWAINE STEPHEN SYLVE, JR.

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 871-331, DIVISION "N"
HONORABLE STEPHEN D. ENRIGHT, JR., 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
REMANDED WITH INSTRUCTIONS

JJM
JGG
SUS

TRUE COPY

MORGAN NAQUIN
DEPUTY CLERK

COUNSEL FOR PLAINTIFF/APPELLANT,
SHAKEL WALKER SYLVE

Sarah Stone
Anders F. Holmgren
Matthew R. Slaughter
Alixe L. Duplechain

DEFENDANT/APPELLEE,
DWAINE STEPHEN SYLVE, 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. She also appeals the district court's denial of her request for confirmation of to resume using her former name. 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] We remand this matter to the district court to rule on the appellant's request to resume the use of her former name.

PROCEDURAL HISTORY

On December 12, 2025, the plaintiff/appellant, Shakel Walker Sylve, filed a Petition for Divorce under La. C.C. art. 103(1) in 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. Sylve filed an In Forma Pauperis ("IFP") Affidavit listing her income and expenses. A Third Party Affidavit dated December 4, 2025 was filed in support of the pauper request. The court granted Ms. Sylve leave to proceed *in forma pauperis* on December 12, 2025. The Plaquemines Parish Sheriff served the defendant/appellee, Dwaine Stephen Sylve, Jr., with the Petition, Verification, and Affidavit of NonCovenant Marriage/NonMilitary/NonPregnancy by domiciliary service on January 5, 2026, per the Sheriff's return.[2] On March 31, 2026, Ms. Sylve submitted an affidavit attesting to the truth of the factual allegations in the petition for divorce. Ms. Sylve

[1] The March 31, 2006 judgment at issue in these proceedings granted the parties' divorce. The appellant did not raise any issue 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.

submitted the La. C.C.P. art. 1702(F) divorce checklist certifying the petition filed on December 12, 2025, separation as of July 6, 2024, and domiciliary service on January 5, 2026.

On March 31, 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 her written reasons, the Commissioner noted there was no indication in the record that the Defendant received notice of Plaintiff's IFP request or the December 12, 2025 IFP order and concluded that assessing costs against the Defendant under these circumstances would violate due process. The Commissioner did not give reasons for denying the Plaintiff's request to resume using her former name of Walker.

On May 1, 2026, Ms. Sylve 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 a tangential name-change issue, and asserting her 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 31, 2026 judgment's ruling on court costs and name change. The order recognized Ms. Sylve's entitlement to a devolutive appeal and record preparation without prepayment of costs under article 5185(A). This appeal followed.[3]

ASSIGNMENT OF ERROR NUMBER ONE

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

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

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 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, 1112-1113. This rule applies regardless

[4] La. Code Civ. Proc. Ann. 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.

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. 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. Sylve'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*, 25-1137 (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*, 09-0571 (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. Here, the record shows the petition demanded assessment of costs against the Defendant, he was properly served, and the citation reflected "pauper" status. Article 1703's limitation is satisfied because assessment of costs against the 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 the Defendant under Article 5186 after rendering judgment in favor of the indigent Dlaintiff.

ASSIGNMENT OF ERROR NUMBER TWO

On appeal, Ms. Sylve contends that the district court erred in refusing her request to resume use of her maiden name. In her petition Ms. Sylve states that she "seeks to resume the use of her former name of: Shakel Walker, born on May 20, 1985." In the *in forma pauperis* affidavit Ms. Sylve lists her name as "Shakel Kiera Sylve" and attached paycheck stubs in the name of "Shakel K. Sylve." Given these discrepancies, we remand this matter to the district court for a ruling on Ms. Sylve's request to resume the use of her former name.

[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 due as a remedy."

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, Dwaine Stephen Sylve, Jr., with all costs of these proceedings. We remand for a ruling on Ms. Sylve's request to resume the use of her former name.

REVERSED AND RENDERED
REMANDED WITH INSTRUCTIONS

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

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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-207

E-NOTIFIED
24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE STEPHEN D. ENRIGHT, JR. (DISTRICT JUDGE)
ANDERS F. HOLMGREN (APPELLANT)
JAMES H. GILBERT (APPELLANT)
SARAH STONE (APPELLANT)

MAILED
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