

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Shawna Marie Spencer v. Elizabeth Weir, et al.

Spencer · No. CIV-25-1437-D · Decided March 31, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma reviewed objections to a magistrate judge’s recommendation in a 42 U.S.C. § 1983 action brought by Shawna Marie Spencer. The court dismissed the excessive-force claim with prejudice as untimely and dismissed the Fourth Amendment and freedom-of-movement claims without prejudice for failure to adequately allege constitutional violations.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 31, 2026
DOCKET	CIV-25-1437-D
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's Report and Recommendation recommending dismissal of her 42 U.S.C. § 1983 complaint. The district court conducted de novo review of the specifically objected-to portions and adopted the Report and Recommendation.
STANDARD OF REVIEW	De novo review of the portions of the Report and Recommendation to which a specific objection was made, under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Shawna Marie Spencer v. Elizabeth Weir, Phillip Wolfenburger, Leslie Williams, Jonathon Reynolds

TOPICS

- section 1983
- statute of limitations
- civil rights
- constitutional law
- motions to dismiss

PRACTICE AREAS

civil rights

constitutional law

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's 42 U.S.C. § 1983 excessive-force claim was barred by Oklahoma's two-year statute of limitations.
2. Whether Plaintiff sufficiently alleged that her vehicle seizure and vehicle searches violated the Fourth Amendment by occurring without probable cause.
3. Whether Plaintiff identified a federally protected constitutional right supporting her freedom-of-movement claim.

HOLDINGS

1. The excessive-force claim was untimely because the alleged uses of force occurred on May 11 and June 12, 2023, and Plaintiff did not initiate the action until November 26, 2025, after Oklahoma's two-year limitations period had expired.
2. Plaintiff failed to state Fourth Amendment claims because she did not sufficiently allege that probable cause was lacking for the seizure or either vehicle search.
3. Plaintiff failed to state a constitutional claim because she did not identify a federally protected right supporting her asserted freedom of movement to obtain resources, assistance, and work.

KEY QUOTATIONS

“Agreeing with the magistrate judge’s conclusion that Claim One is untimely under the two-year statute of limitations, Claim One is hereby dismissed with prejudice.” (Claim One)

“Plaintiff’s Claim One is DISMISSED WITH PREJUDICE, and Claims Two and Three are DISMISSED WITHOUT PREJUDICE.” (Disposition)

FACTUAL BACKGROUND

Plaintiff, a pretrial detainee, alleged that officers used excessive force during incidents on May 11 and June 12, 2023, including pushing her daughter, pulling her from a van, and handcuffing her to a fixed object during a seizure. She also alleged that officers seized her from a vehicle and searched her vehicle on separate occasions. Finally, she alleged that an officer interfered with her freedom of movement while she was attempting to obtain assistance and resources.

PROCEDURAL HISTORY

Plaintiff filed a civil rights action alleging excessive force, Fourth Amendment violations, and interference with freedom of movement. The matter was referred to Magistrate Judge Shon T. Erwin, who recommended dismissal following screening under 28 U.S.C. § 1915(a). Plaintiff timely objected, but the district court found that the objections did not cure the deficiencies and adopted the recommendation, dismissing Claim One with prejudice and Claims Two and Three without prejudice.

DISPOSITION

dismissed

CASES CITED

- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)
- Wallace v. Kato, 549 U.S. 384, 387 (2007)
- McCarty v. Gilchrist, 646 F.3d 1281, 1289 (10th Cir. 2011)
- Smith v. City of Enid ex rel. Enid City Commission, 149 F.3d 1151, 1154 (10th Cir. 1998)
- Rodriguez v. Colorado, 521 F. App'x 670, 671 (10th Cir. 2013)
- Erikson v. Pawnee Board of County Commissioners, 263 F.3d 1151, 1154 (10th Cir. 2001)