

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, SOUTHERN DIVISION

LaToya Fleming v. Mississippi Department of Child Protective
Services

Fleming · No. 1:25-cv-20-TBM-RPM · Decided January 9, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi dismissed LaToya Fleming’s wrongful-termination claims against the Mississippi Department of Child Protective Services without prejudice. The court held that the agency is an arm of the state entitled to Eleventh Amendment sovereign immunity and that Fleming had not sued individual state officials in their official capacities as required for the Ex parte Young exception. The court granted the motion to dismiss for lack of subject-matter jurisdiction and closed the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Southern Division
WRITING FOR THE COURT	Taylor B. McNeel
JURISDICTION	United States District Court for the Southern District of Mississippi, Southern Division
DECIDED	January 9, 2026
DOCKET	1:25-cv-20-TBM-RPM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The defendant moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss the plaintiff's wrongful-termination claims for lack of subject-matter jurisdiction based on Eleventh Amendment sovereign immunity.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject-matter jurisdiction. The court may determine jurisdiction from the complaint alone, from the complaint supplemented by undisputed record facts, or from the complaint supplemented by undisputed facts and the court's resolution of disputed facts; allegations in the complaint are taken as true when determining whether jurisdiction exists.

PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	LaToya Fleming v. Mississippi Department of Child Protective Services

TOPICS

subject matter jurisdiction eleventh amendment immunity sovereign immunity ada / disability
family and medical leave act

PRACTICE AREAS

civil procedure constitutional law employment law civil rights disability discrimination

QUESTIONS PRESENTED

1. Whether the Mississippi Department of Child Protective Services is an arm of the State of Mississippi entitled to Eleventh Amendment sovereign immunity.
2. Whether any exception to sovereign immunity permitted Fleming's ADA and FMLA claims against the Department.
3. Whether the Ex parte Young exception applied when Fleming sued the state agency itself rather than individual state officials in their official capacities.

HOLDINGS

1. The Mississippi Department of Child Protective Services is an arm of the State of Mississippi and is entitled to Eleventh Amendment sovereign immunity unless an established exception applies.
2. No exception to sovereign immunity applied to Fleming's claims against the Department. Congress had not abrogated immunity for the claims at issue, Mississippi had retained its immunity, and the complaint did not satisfy the Ex parte Young exception.
3. The Ex parte Young exception did not apply because Fleming sued the Mississippi Department of Child Protective Services as an entity rather than suing individual state officials in their official capacities.

KEY QUOTATIONS

“The Ex parte Young exception applies when the plaintiff’s “complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective.”” (III)

“The Fifth Circuit has held that “suing individual state officials in their official capacities . . . is an essential element of the Ex parte Young doctrine.”” (III)

FACTUAL BACKGROUND

LaToya Fleming worked for the Mississippi Department of Child Protective Services beginning in 2011, ultimately serving as a Social Services Specialist II. After informing her supervisor in October 2023 that she would take FMLA leave for mental-health reasons, Fleming was placed on paid administrative leave and later

received short-term-disability approval. The Department terminated her employment on June 6, 2024, citing her alleged failure to cooperate with an investigation into threats of harm involving the employer and coworkers.

PROCEDURAL HISTORY

Fleming filed an EEOC charge after her termination and received a right-to-sue letter on October 17, 2024. She filed this action on January 27, 2025, against the Mississippi Department of Child Protective Services. The Department moved to dismiss for lack of jurisdiction, and the court granted the motion and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Barrera-Montenegro v. United States*, 74 F.3d 657, 659 (5th Cir. 1996)
- *Menchaca v. Chrysler Credit Corp.*, 613 F.2d 507, 511 (5th Cir. 1980)
- *Wolcott v. Sebelius*, 635 F.3d 757, 762 (5th Cir. 2011)
- *Kentucky v. Graham*, 473 U.S. 159, 166, 105 S. Ct. 3099, 87 L. Ed. 2d 114 (1985)
- *Hopkins v. Wayside Sch.*, No. 23-50600, 2024 WL 3738478, at *4 (5th Cir. Aug. 9, 2024)
- *Smith v. Mississippi Dep't of Child Protective Services*, No. 4:18-cv-165-GHD, 2019 WL 4418802, at *6 (N.D. Miss. Sept. 16, 2019)
- *Taylor v. Preciado*, No. 3:23-cv-401-DMB, 2025 WL 2800452, at *6 (N.D. Miss. Sept. 30, 2025)
- *Bowen v. Keyes*, No. 3:20-cv-296-DPJ, 2020 WL 4228160, at *5 (S.D. Miss. July 23, 2020)
- *Sullivan v. Texas A&M University System*, 986 F.3d 593, 596 (5th Cir. 2021)
- *Bryant v. Texas Department of Aging and Disability Services*, 781 F.3d 764, 769 (5th Cir. 2015)
- *Employers Insurance of Wausau v. Mississippi State Highway Commission*, 575 So. 2d 999, 1002 (Miss. 1990)
- *Berry v. University of Mississippi Medical Center*, No. 3:22-cv-4-TSL, 2022 WL 1625164, at *2 (S.D. Miss. May 23, 2022)
- *Cantu Servs., Inc. v. Roberie*, 535 F. App'x 342, 344 (5th Cir. 2013)
- *Nelson v. Univ. of Texas at Dallas*, 535 F.3d 318, 322 (5th Cir. 2008)
- *Saltz v. Tenn. Dep't of Emp't Sec.*, 976 F.2d 966, 968 (5th Cir. 1992)

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