

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, GREENVILLE DIVISION

Keiasia Davis v. Wilbert Nelson, Individually and in His Professional
Capacity, and the City of Kosciusko, Mississippi

Davis · No. 4:25-cv-195-RPC-DAS · Decided June 3, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi grants Defendants’ motion to dismiss Plaintiff’s First Amended Complaint. The court dismisses the federal claims, including claims under 42 U.S.C. § 1983 alleging due process, fabrication of evidence, equal protection, and municipal liability, with prejudice. The court declines supplemental jurisdiction over the remaining state-law claims and dismisses them without prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Greenville Division
WRITING FOR THE COURT	Chantal
JURISDICTION	United States District Court for the Northern District of Mississippi, Greenville Division
DECIDED	June 3, 2026
DOCKET	4:25-cv-195-RPC-DAS
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the First Amended Complaint. The court granted the motion as to all federal claims and declined supplemental jurisdiction over the remaining state-law claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and views them in the light most favorable to the plaintiff, but requires sufficient factual matter to state a facially plausible claim. Conclusory allegations and legal conclusions masquerading as factual allegations are insufficient. At the pleading stage, a plaintiff facing qualified immunity must plead facts that, if proved, would defeat the defense.
PRECEDENTIAL VALUE	Unpublished federal district court memorandum opinion; persuasive rather than binding outside the case.

PARTIES

Keiasia Davis v. Wilbert Nelson, Individually and in His Professional Capacity, City of Kosciusko, Mississippi

TOPICS

motions to dismiss

section 1983

qualified immunity

equal protection

civil procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

municipal law

torts

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly stated a Fourteenth Amendment due-process claim under 42 U.S.C. § 1983 based on allegedly false statements in a police accident report and resulting loss of insurance proceeds or tort recovery.
2. Whether Plaintiff plausibly stated a Fourteenth Amendment fabrication-of-evidence claim based on the allegedly false accident report.
3. Whether Plaintiff plausibly stated a Fourteenth Amendment equal-protection claim based on alleged differential treatment because of race, sex, and age.
4. Whether Plaintiff plausibly stated municipal liability claims against the City under Monell based on an alleged policy, custom, ratification, failure to supervise, or failure to discipline.
5. Whether the court should decline supplemental jurisdiction over the remaining state-law claims after dismissing all federal claims.

HOLDINGS

1. Plaintiff failed to state a due-process claim because potential insurance proceeds, tort recovery, and the ability to recover damages from the automobile accident were not alleged to be constitutionally protected property interests, and Plaintiff retained state-law remedies.
2. The alleged existence of an inaccurate police report, without a resulting criminal charge or other cognizable constitutional deprivation, did not state a constitutional claim under § 1983.
3. Plaintiff failed to state a fabrication-of-evidence claim because she was not charged with a crime and did not allege a resulting deprivation of liberty or other cognizable constitutional interest.
4. Plaintiff failed to state an equal-protection claim because her allegations of differential treatment based on race, sex, and age were conclusory and did not identify similarly situated comparators.
5. Nelson was entitled to qualified immunity because Plaintiff failed to plausibly allege a violation of a constitutional right; the court therefore did not reach whether any right was clearly established.
6. Plaintiff failed to state a municipal-liability claim because she did not plausibly allege an underlying constitutional violation or an official City policy or custom that was the moving force behind one.
7. The court declined to exercise supplemental jurisdiction over the remaining state-law claims after dismissing all claims over which it had original jurisdiction.

KEY QUOTATIONS

“Without a predicate constitutional violation, there can be no Monell liability.”

“The general rule in the Fifth Circuit is that a court should decline to exercise jurisdiction over remaining state law claims when all federal law claims are eliminated before trial.”

FACTUAL BACKGROUND

Plaintiff alleged that on February 16, 2025, her vehicle collided with a police cruiser operated by Officer Wilbert Nelson at an intersection in Kosciusko, Mississippi. She alleged that Nelson falsely reported that she approached the intersection at a high rate of speed and was at fault, causing financial injury through the denial of insurance proceeds or other recovery. She also alleged that the City maintained policies, customs, supervisory failures, or disciplinary failures that caused or ratified the conduct, and that she was treated differently based on race, sex, and age.

PROCEDURAL HISTORY

Plaintiff filed the action on December 3, 2025. Defendants moved to dismiss, after which Plaintiff timely filed a First Amended Complaint under Rule 15(a)(1)(B), rendering the original motion moot. Defendants then moved to dismiss the amended pleading. The court granted dismissal of all federal claims with prejudice and dismissed the state-law claims without prejudice after declining supplemental jurisdiction.

DISPOSITION

other

CASES CITED

- In re Great Lakes Dredge & Dock Co. LLC, 624 F.3d 201, 210 (5th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Shakeri v. ADT Security Services, Inc., 816 F.3d 283, 290 (5th Cir. 2016)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Turner v. Lieutenant Driver, 848 F.3d 678, 685 (5th Cir. 2017)
- Murry v. City of Indianola, 2024 U.S. Dist. LEXIS 186614, at *16-17 (N.D. Miss. July 19, 2024)
- Guerra v. Castillo, 82 F.4th 278, 285 (5th Cir. 2023)
- Sanders-Burns v. City of Plano, 594 F.3d 366, 373 (5th Cir. 2010)
- Thomas v. Bolivar County, 2026 U.S. Dist. LEXIS 102369 (N.D. Miss. May 8, 2026)
- Perdomo v. City of League City, 163 F.4th 921, 926 (5th Cir. 2026)
- Daniels v. Williams, 474 U.S. 327, 332-36 (1986)
- Hare v. City of Corinth, 74 F.3d 633, 645 (5th Cir. 1996)
- Perry v. Sindermann, 408 U.S. 593, 599 (1972)
- Board of Regents v. Roth, 408 U.S. 564, 576 (1972)
- Jarrett v. Township of Bensalem, 312 F. App'x 505, 507-08 (3d Cir. 2009)

- *Graham v. City of Albany*, 2009 U.S. Dist. LEXIS 109815, 2009 WL 4263510, at *9-10 (N.D.N.Y. Nov. 23, 2009)
- *Landrigan v. City of Warwick*, 628 F.2d 736, 744-45 (1st Cir. 1980)
- *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982)
- *Williams v. Does*, 2024 U.S. Dist. LEXIS 181125, at *4-5 (N.D. Tex. Sept. 16, 2024)
- *Rich v. Palko*, 920 F.3d 288, 298 n.18 (5th Cir. 2019)
- *Smith v. Patri*, 99 F. App'x 497, 498 (5th Cir. 2004) (per curiam)
- *Hawes v. Stephens*, 964 F.3d 412, 418 (5th Cir. 2020)
- *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)
- *Devereaux v. Abbey*, 263 F.3d 1070 (9th Cir. 2001)
- *Cole v. Hunter*, 497 F. Supp. 3d 172, 190 (N.D. Tex. 2020)
- *Mahone v. Addicks Utility District of Harris County*, 836 F.2d 921, 932 (5th Cir. 1988)
- *Barber v. Rounds*, 169 F.4th 577, 585 (5th Cir. 2026)
- *Rountree v. Dyson*, 892 F.3d 681, 685 (5th Cir. 2018)
- *Secherest v. City of Lexington*, 2026 WL 867392, 2026 U.S. Dist. LEXIS 67304, at *25 (N.D. Miss. Mar. 30, 2026)
- *Villarreal v. City of Laredo, Texas*, 94 F.4th 374, 398 (5th Cir. 2024)
- *Jones v. City of Hutto*, 154 F.4th 332, 336 (5th Cir. 2025)
- *Webb v. Town of Saint Joseph*, 925 F.3d 209, 214 (5th Cir. 2019)
- *Morton v. City of Corinth*, 2024 WL 3281181, 2024 U.S. Dist. LEXIS 117743, at *27 (N.D. Miss. July 2, 2024)
- *Cambric v. City of Corpus Christi*, 170 F.4th 321, 325 (5th Cir. 2026)
- *McConney v. City of Houston*, 863 F.2d 1180, 1184 (5th Cir. 1989)
- *Johnson v. City of Shelby*, 642 F. App'x 380 (5th Cir. 2016)
- *Johnson v. City of Shelby*, 743 F.3d 59 (5th Cir. 2013)
- *Johnson v. City of Shelby*, 574 U.S. 10 (2014) (per curiam)
- *Adams v. Pascagoula-Gautier School District*, 2025 U.S. Dist. LEXIS 135400, at *14 (S.D. Miss. July 16, 2025)
- *Peterson v. City of Fort Worth, Texas*, 588 F.3d 838, 848 (5th Cir. 2009)
- *Peña v. City of Rio Grande City*, 879 F.3d 613, 623 (5th Cir. 2018)
- *Connick v. Thompson*, 563 U.S. 51, 62 (2011)
- *Aldinger v. Howard*, 427 U.S. 1, 14-15 (1976)
- *Parker v. Parsley & Petroleum Co. v. Dresser Industries*, 927 F.2d 580, 588 (5th Cir. 1991)
- *Brookshire Bros. Holding, Inc. v. Dayco Products, Inc.*, 554 F.3d 595, 602 (5th Cir. 2009)

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