

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

**Alveto Rivera v. Evelyn Flesvig, Charles S. Fai, Philip W. Olson, and
Anabelle Ochoa, in their individual capacities and in their official
capacities**

Rivera v. Flesvig · No. Civ. No. 25-4517 (JWB/SGE) · Decided April 8, 2026

SUMMARY

The United States District Court for the District of Minnesota overruled Plaintiff’s objections and accepted the magistrate judge’s Report and Recommendation. The court dismissed without prejudice claims arising from Plaintiff’s transfer within the Minnesota Sex Offender Program, concluding that the official-capacity damages claims were barred by Eleventh Amendment immunity and that the alleged conduct did not support procedural or substantive due process violations. The court also declined supplemental jurisdiction over the state-law claims and denied Plaintiff’s application to proceed in forma pauperis as moot.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Jerry W. Blackwell
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	April 8, 2026
DOCKET	Civ. No. 25-4517 (JWB/SGE)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's Report and Recommendation after Plaintiff objected, accepted the recommendation, dismissed the Complaint without prejudice, and denied Plaintiff's application to proceed in forma pauperis as moot.
STANDARD OF REVIEW	Specific objections to a magistrate judge's Report and Recommendation are reviewed de novo under 28 U.S.C. § 636(b)(1) and D. Minn. LR 72.2(b)(3). Pro se objections are construed liberally but must identify a legal or factual basis for disturbing the recommendation.
PRECEDENTIAL VALUE	unpublished

PARTIES

Alveto Rivera v. Evelyn Flesvig, Charles S. Fai, Philip W. Olson,
Anabelle Ochoa

TOPICS

section 1983 procedural due process substantive due process eleventh amendment immunity
civil procedure

PRACTICE AREAS

civil rights constitutional law federal civil procedure prisoner and civil detainee litigation
government liability

QUESTIONS PRESENTED

1. Whether official-capacity claims for monetary damages under 42 U.S.C. § 1983 were barred by Eleventh Amendment immunity.
2. Whether Plaintiff adequately alleged a procedural due process violation based on his transfer between Minnesota Sex Offender Program facilities and the alleged loss of treatment progress.
3. Whether Plaintiff adequately alleged a substantive due process violation based on alleged misrepresentations concerning a neuropsychological test and its use in a transfer decision.
4. Whether the Fifth and Sixth Amendments applied to Plaintiff's claims against state officials concerning civil commitment and treatment.
5. Whether the district court should exercise supplemental jurisdiction over the state-law claims after dismissing all federal claims.

HOLDINGS

1. Claims for monetary damages against the Defendants in their official capacities were barred by the Eleventh Amendment because the claims were treated as claims against the State of Minnesota, the State had not waived immunity, and § 1983 did not abrogate that immunity.
2. Plaintiff failed to state a procedural due process claim because he did not allege deprivation of a protected liberty interest.
3. Plaintiff failed to state a substantive due process claim because the alleged misrepresentation about a neuropsychological test and its use in a transfer decision did not constitute conduct that shocks the conscience.
4. The Fifth Amendment did not apply because the Defendants were state officials, and the Sixth Amendment did not apply to Plaintiff's civil commitment or treatment-related claims.
5. After dismissing all federal claims, the district court declined to exercise supplemental jurisdiction over the state-law claims.

KEY QUOTATIONS

“Substantive due process is reserved for conduct that is so egregious as to “shock the conscience.””

FACTUAL BACKGROUND

Plaintiff, apparently civilly committed in the Minnesota Sex Offender Program, alleged that he was transferred from the Moose Lake facility to the St. Peter facility and that his treatment progression was reset. He also alleged that Defendants misled him about the purpose of a neuropsychological test and used the results in connection with the transfer decision. The Defendants were employees of Direct Care and Treatment, a Minnesota state agency, and Plaintiff asserted federal constitutional claims and state-law claims.

PROCEDURAL HISTORY

United States Magistrate Judge Shannon G. Elkins recommended dismissal of the Complaint without prejudice and denial of Plaintiff's in forma pauperis application as moot. Plaintiff filed objections, which the district court overruled after de novo review. The district court accepted the R&R, independently agreeing that the federal claims failed as a matter of law, dismissed the Complaint without prejudice, and declined supplemental jurisdiction over the state-law claims.

DISPOSITION

dismissed

CASES CITED

- Will v. Mich. Dep't of State Police, 491 U.S. 58, 66-67 (1989)
- Flores v. Moser, No. 16-cv-1860 (ADM/KMM), 2019 WL 2016789, at *7 (D. Minn. Jan. 7, 2019)
- Cnty. of Sacramento v. Lewis, 523 U.S. 833, 846-47 (1998)
- Wilson v. Miller, 821 F.3d 963, 970-71 (8th Cir. 2016)