

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA

Crystal Allman and Gary Allman v. Shenandoah Valley Social
Services, et al.

Allman · No. 5:25-cv-00010 · Decided March 30, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismissed Crystal and Gary Allman's amended complaint concerning state child-protection and custody proceedings. The court held that sovereign immunity, judicial immunity, and the Rooker-Feldman doctrine deprived it of jurisdiction over the requested damages, declaratory, and injunctive relief. The court also denied leave to file a second amended complaint, concluding that the proposed claims would be futile.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia
DECIDED	March 30, 2026
DOCKET	5:25-cv-00010
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs proceeding pro se and in forma pauperis brought constitutional, federal statutory, and Virginia common-law claims arising from state child-custody and child-removal proceedings. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Plaintiffs moved for leave to file a second amended complaint and to disqualify defense counsel.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and construes them in plaintiffs' favor, requiring sufficient factual matter to state a plausible claim. On a facial Rule 12(b)(1) challenge, the court accepts jurisdictional allegations as true; on a factual challenge, it may consider evidence outside the pleadings. Pro se pleadings are liberally construed but must comply with the Federal Rules of Civil Procedure.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

PARTIES

Crystal Allman, Gary Allman v. Shenandoah Valley Social Services, Linda Jones, Augusta County Judicial System, Virginia Department of Social Services

TOPICS

child custody

motions to dismiss

subject matter jurisdiction

civil procedure

procedural due process

PRACTICE AREAS

family law

civil procedure

constitutional law

civil rights

ada / disability

remedies

QUESTIONS PRESENTED

1. Whether sovereign immunity barred the Allmans' claims for damages against the State Defendants, state and local social-services entities, and Judge Jones in her official capacity.
2. Whether judicial immunity barred the Allmans' claims against Judge Jones in her individual capacity.
3. Whether sovereign and judicial immunity barred the requested declaratory relief.
4. Whether the Rooker-Feldman doctrine deprived the federal district court of jurisdiction to issue an injunction requiring return of the children or a new state-court hearing.
5. Whether the proposed second amended complaint would be futile as to the proposed Fourth Amendment, substantive due process, procedural due process, access-to-courts, ADA, Rehabilitation Act, fraud, conspiracy, and First Amendment retaliation claims.
6. Whether the court could or should disqualify attorney James Glick from representing parties in current or future proceedings.

HOLDINGS

1. The Eleventh Amendment barred the Allmans' damages claims against Virginia, its agencies and instrumentalities, SVDSS, the Augusta County Judicial System, and Judge Jones in her official capacity. Virginia had not waived its immunity, and 42 U.S.C. § 1983 did not abrogate it.
2. Judge Jones was absolutely immune from the Allmans' damages claims because the challenged conduct consisted of judicial acts performed within the subject-matter jurisdiction of the juvenile and domestic-relations court.
3. The court lacked jurisdiction to issue the requested declaratory judgment because sovereign immunity barred claims against the state and official-capacity defendants, and judicial immunity barred retrospective declaratory relief against Judge Jones.
4. The Rooker-Feldman doctrine deprived the federal district court of jurisdiction to order the return of the children or a new state-court hearing because the requested relief would require review and rejection of state-court judgments and rulings.
5. Leave to amend was properly denied as futile for the proposed claims against the existing defendants and for the proposed Fourth Amendment, substantive due process, procedural due process, access-to-

courts, ADA, Rehabilitation Act, fraud, conspiracy, and most First Amendment retaliation claims. The proposed First Amendment retaliation claim against Grace Burdett was denied without prejudice because amendment might be possible if plaintiffs alleged her employer, state-actor status, timing, causation, and retaliatory motive.

KEY QUOTATIONS

“Because this court lacks jurisdiction against any named Defendant, the court must dismiss the Allmans’ amended complaint.”

“The Rooker-Feldman doctrine prohibits federal district courts from hearing claims “complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.””

FACTUAL BACKGROUND

Virginia Child Protective Services investigated the Allmans after anonymous reports of drug use, child abuse, and neglect. Following a domestic incident and Gary Allman's admission of recent drug use, CPS imposed a safety plan and later removed the children from their grandparents' home without a prior warrant or court order. The Allmans alleged procedural irregularities, misconduct, disability-related mistreatment, and misleading statements during subsequent state custody proceedings, after which the children were placed in foster care.

PROCEDURAL HISTORY

Plaintiffs commenced the action on February 21, 2025. The court dismissed the original complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), allowing amendment. The court later accepted plaintiffs' late-filed amended complaint after construing it as a motion for leave to amend. Defendants moved to dismiss the amended complaint. The court granted the motions to dismiss for lack of subject-matter jurisdiction, denied leave to file a second amended complaint with prejudice except as to a proposed First Amendment retaliation claim against Grace Burdett, which was denied without prejudice, and denied the motion to disqualify counsel.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Doriety for Est. of Crenshaw v. Sletten, 109 F.4th 670, 679 (4th Cir. 2024)
- Megaro v. McCollum, 66 F.4th 151, 157 (4th Cir. 2023)
- Wikimedia Found. v. Nat'l Sec. Agency, 857 F.3d 193, 208 (4th Cir. 2017)
- Hutton v. Nat'l Bd. of Exam'rs in Optometry, Inc., 892 F.3d 613, 620-21 (4th Cir. 2018)
- Adams v. Bain, 697 F.2d 1213, 1219 (4th Cir. 1982)
- Beck v. McDonald, 848 F.3d 262, 270 (4th Cir. 2017)

- Velasco v. Gov't of Indonesia, 370 F.3d 392, 398 (4th Cir. 2004)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Wall v. Rasnick, 42 F.4th 214, 218 (4th Cir. 2022)
- Pendleton v. Jividen, 96 F.4th 652, 656 (4th Cir. 2024)
- Weller v. Dep't of Soc. Servs. for City of Balt., 901 F.2d 387, 391 (4th Cir. 1990)
- Bing v. Brivo Sys., LLC, 959 F.3d 605, 618 (4th Cir. 2020)
- Bd. of Trs. of Univ. of Ala. v. Garrett, 531 U.S. 356, 363 (2001)
- Saphilom v. Fairfax Cnty., No. 3:23-cv-00562, 2024 WL 4863296, at *4 (E.D. Va. Nov. 21, 2024)
- Kentucky v. Graham, 473 U.S. 159, 169 n.17 (1985)
- Gray v. Laws, 51 F.3d 426, 430 (4th Cir. 1995)
- Will v. Mich. Dep't of State Police, 491 U.S. 58, 63-64, 71 (1989)
- Doe v. Cmty. Coll. of Balt. Cnty., 595 F. Supp. 3d 392, 410 (D. Md. 2022)
- Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 101-02 (1984)
- Bingham v. Virginia, No. 1:25-cv-00066, 2025 WL 1210546, at *3 (E.D. Va. Apr. 25, 2025)
- Parks v. Virginia Dep't of Soc. Servs. Child Support Enf't Servs., No. 1:16-cv-00568, 2016 WL 4384343, at *3 (E.D. Va. Aug. 17, 2016)
- Kissinger-Stankevitz v. Town of Tappahannock, 750 F. Supp. 3d 590, 622 (E.D. Va. 2024)
- Weigel v. Maryland, 950 F. Supp. 2d 811, 832 (D. Md. 2013)
- Ash v. Russell, No. 1:23-cv-02873, 2024 WL 3597184, at *5 (D. Md. July 31, 2024)
- Murphy v. Goff, No. 6:10-cv-00026, 2010 WL 2292130, at *3 (W.D. Va. June 7, 2010)
- King v. Love, 766 F.2d 962, 965 (6th Cir. 1985)
- Goldstein v. Moatz, 364 F.3d 205, 219 (4th Cir. 2004)
- Charnock v. Virginia, No. 2:16-cv-00493, 2017 WL 5574987, at *4 (E.D. Va. Jan. 5, 2017)
- Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005)
- Safety-Kleen, Inc. (Pinewood) v. Wyche, 274 F.3d 846, 857-58 (4th Cir. 2001)
- Jordahl v. Democratic Party of Va., 122 F.3d 192, 202-03 (4th Cir. 1997)
- Shooting Point, L.L.C. v. Cumming, 368 F.3d 379, 383 (4th Cir. 2004)
- Brown & Root, Inc. v. Breckenridge, 211 F.3d 194, 198 (4th Cir. 2000)
- Monroe-Williams v. Clawson, No. 5:22-cv-00027-MR, 2022 WL 812392, at *2 (W.D.N.C. Mar. 16, 2022)
- In re Triangle Cap. Corp. Sec. Litig., 988 F.3d 743, 750 (4th Cir. 2021)
- United States ex rel. Wilson v. Kellogg Brown & Root, Inc., 525 F.3d 370, 376 (4th Cir. 2008)
- McDuffie v. Housey, Civ. No. 9:20-3131-MBS, 2022 WL 4078110, at *2 (D.S.C. Sept. 6, 2022)
- Franklin v. City of Charlotte, 64 F.4th 519, 530 (4th Cir. 2023)
- Feller v. Feller, Civ. No. TDC-18-0108, 2020 WL 1322946, at *4 (D. Md. Mar. 16, 2020)
- Rakas v. Illinois, 439 U.S. 128, 138 (1978)
- Mora v. City of Gaithersburg, 519 F.3d 216, 230 (4th Cir. 2008)
- Cnty. of Sacramento v. Lewis, 523 U.S. 833, 845 (1998)

- Rucker v. Harford Cnty., 946 F.2d 278, 281 (4th Cir. 1991)
- Parker v. Henry & William Evans Home for Child., Inc., 762 F. App'x 147, 156 (4th Cir. 2019)
- Vosburg v. Dep't of Soc. Servs., 884 F.2d 133, 138 (4th Cir. 1989)
- Shirley v. Drake, No. 98-1750, 1999 WL 202671, at *2 (4th Cir. Apr. 12, 1999)
- Sahoo v. Gleaton, No. 5:16-cv-00153-F, 2017 WL 1102623, at *9 (E.D.N.C. Mar. 23, 2017)
- Booker v. S.C. Dep't of Soc. Servs., 583 F. App'x 147, 148 (4th Cir. 2014)
- Pfoitzer v. Cnty. of Fairfax, 775 F. Supp. 874, 884-85 (E.D. Va. 1991)
- DeShaney v. Winnebago Cnty. Dep't of Soc. Servs., 489 U.S. 189 (1989)
- Milburn v. Anne Arundel Cnty. Dep't of Soc. Serv., 871 F.2d 474 (4th Cir. 1989)
- Davison v. Facebook, Inc., 370 F. Supp. 3d 621, 628 (E.D. Va.), aff'd, 774 F. App'x 162 (4th Cir. 2019)
- DeBauche v. Trani, 191 F.3d 499, 506 (4th Cir. 1999)
- Davis v. Smith & Robinson L. Firm, No. Civ. 0:24-cv-00315, 2024 WL 5688621, at *3 (D.S.C. Feb. 29, 2024)
- Williams v. Smith, No. 1:10-cv-00501, 2010 WL 2816714, at *2 (M.D.N.C. July 15, 2010)
- Cohn v. Knowledge Connections, Inc., 585 S.E.2d 578, 581 (Va. 2003)
- Sweely Holdings, LLC v. SunTrust Bank, 820 S.E.2d 596, 605 (Va. 2018)
- Hall v. Townsend, Civ. No. CCB-20-2159, 2020 WL 4933630, at *2 (D. Md. Aug. 24, 2020)
- Martin v. Duffy, 977 F.3d 294, 299 (4th Cir. 2020)
- Shapiro v. McManus, 203 F. Supp. 3d 579, 596 (D. Md. 2016)
- Swagler v. Sheridan, 837 F. Supp. 2d 509, 529 (D. Md. 2011)
- Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991)