

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Welch v. Hilgers

No. 4:25CV3164 (D. Neb. Nov. 26, 2025) · No. 4:25CV3164 · Decided November 26, 2025

SUMMARY

The United States District Court for the District of Nebraska dismissed Brendan Welch’s complaint challenging Nebraska sovereign immunity, the Political Subdivisions Tort Claims Act, and the State Tort Claims Act. The court held that the Rooker–Feldman doctrine deprived it of subject-matter jurisdiction because Welch was effectively seeking federal review of adverse Nebraska County Court decisions. The dismissal was without prejudice, and the court denied Welch’s motion for a summons.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	November 26, 2025
DOCKET	4:25CV3164
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought an action against the Nebraska Attorney General seeking declaratory relief that Nebraska sovereign immunity, the Political Subdivision Tort Claims Act, and the State Tort Claims Act were unconstitutional. The court conducted initial screening under 28 U.S.C. § 1915(e)(2) after granting plaintiff leave to proceed in forma pauperis.
STANDARD OF REVIEW	The court conducted an initial review under 28 U.S.C. § 1915(e)(2), applying the standards for dismissal of frivolous or malicious claims, claims that fail to state a claim, and claims seeking relief from an immune defendant. It also applied the Rooker-Feldman jurisdictional doctrine.
PRECEDENTIAL VALUE	Unknown
PARTIES	Brendan Welch v. Mike Hilgers

TOPICS

- subject matter jurisdiction
- appellate jurisdiction
- civil procedure
- constitutional law
- pleadings

PRACTICE AREAS

civil procedure

constitutional law

federal jurisdiction

civil rights

QUESTIONS PRESENTED

1. Whether the federal district court had subject-matter jurisdiction to review Welch's constitutional challenges arising from adverse Nebraska County Court judgments.
2. Whether the complaint should be dismissed during in forma pauperis screening under 28 U.S.C. § 1915(e)(2).
3. Whether Welch's motion for summons should be granted after dismissal of the action.

HOLDINGS

1. The federal district court lacked subject-matter jurisdiction because the Rooker-Feldman doctrine bars a state-court loser from seeking review of an adverse state-court decision in a lower federal court.
2. The complaint was subject to dismissal without prejudice because the court lacked subject-matter jurisdiction over the claims.

KEY QUOTATIONS

“A federal district court is not a substitute for state court appellate review.” (Discussion section)

“This court lacks subject matter jurisdiction over Plaintiff's complaint. This case must be dismissed.” (Conclusion section)

FACTUAL BACKGROUND

Welch filed three cases in Nebraska County Court seeking damages related to a motor-vehicle accident involving a city bus, parking tickets and towing, and the suspension of his driver's license. The County Court dismissed each action without prejudice, citing failure to satisfy statutory prerequisites or lack of subject-matter jurisdiction. Rather than appeal those rulings in the Nebraska courts, Welch filed this federal action seeking a declaration that Nebraska sovereign immunity, the Political Subdivision Tort Claims Act, and the State Tort Claims Act violated the United States Constitution.

PROCEDURAL HISTORY

Welch filed three related actions in Lancaster County, Nebraska, County Court involving a motor-vehicle accident, parking tickets and towing, and a driver's-license suspension. Each state-court action was dismissed without prejudice, generally for failure to satisfy statutory prerequisites or for lack of subject-matter jurisdiction, and Welch did not appeal any of the dismissals. He then filed this federal action and supplemented it to add allegations concerning the third state-court dismissal. The federal district court dismissed the action without prejudice under the Rooker-Feldman doctrine and denied his motion for summons.

DISPOSITION

dismissed

CASES CITED

- Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 848 (8th Cir. 2014)
- Hopkins v. Saunders, 199 F.3d 968, 973 (8th Cir. 1999)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 569-70 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Stone v. Harry, 364 F.3d 912, 915 (8th Cir. 2004)
- Martin v. Aubuchon, 623 F.2d 1282, 1286 (8th Cir. 1980)
- Stutzka v. McCarville, 420 F.3d 757, 761 n.2 (8th Cir. 2005)
- Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284 (2005)
- District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983)
- Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923)