

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, INDIANAPOLIS DIVISION

Iona West v. John Phelan, et al.

West · No. 1:24-cv-01605-SEB-MJD · Decided February 26, 2026

SUMMARY

The United States District Court for the Southern District of Indiana grants the individual defendants’ Rule 12(b)(6) motion to dismiss Count III of Iona West’s amended complaint. The court holds that West’s First Amendment retaliation claim against federal employees cannot proceed under Bivens, particularly in the context of federal employment where comprehensive administrative remedies exist. The court dismisses the claims against the individual defendants and allows the Title VII and ADEA claims against the Secretary of the Navy in his official capacity to proceed.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, Indianapolis Division
WRITING FOR THE COURT	Sarah Evans Barker
JURISDICTION	United States District Court for the Southern District of Indiana, Indianapolis Division
DECIDED	February 26, 2026
DOCKET	1:24-cv-01605-SEB-MJD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Count III of the Amended Complaint, which asserted a First Amendment retaliation claim under Bivens against individual federal defendants. The court granted the motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in favor of the nonmovant, but the complaint must contain sufficient facts to state a facially plausible claim based on a legally cognizable theory.
PRECEDENTIAL VALUE	Unknown; district court order with no published reporter citation identified in the source.
PARTIES	Iona West v. John Phelan, et al.

TOPICS

motions to dismiss

first amendment

retaliation

federal employment law

civil procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether West's First Amendment retaliation claim against individual federal employees presents a legally cognizable Bivens cause of action.
2. Whether Count III of the Amended Complaint states a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6).

HOLDINGS

1. Bivens does not provide a legally cognizable damages remedy for West's First Amendment retaliation claim arising from federal employment and personnel actions.
2. Count III fails to state a claim upon which relief can be granted and must be dismissed in its entirety.

KEY QUOTATIONS

“Indeed, only twice outside of the Fourth Amendment claim addressed in Bivens itself has the Supreme Court ever recognized an implied damages remedy for constitutional claims against a federal official” (Legal Analysis § II)

“Thus, because under Supreme Court precedent Bivens does not apply to First Amendment retaliation claims, Ms. West’s First Amendment claim against the Individual Defendants cannot survive and must be dismissed.” (Legal Analysis § II)

FACTUAL BACKGROUND

Iona West worked as an auditor and scientist for the Department of the Navy at the Naval Surface Warfare Center in Crane, Indiana. After conducting an audit and reporting alleged government waste, employee mistreatment, discriminatory practices, mismanagement, nepotism, and other legal violations to the Office of Special Counsel, she alleged that individual federal employees retaliated against her by removing or reassigning duties, demoting her, reducing her pay, issuing prejudicial performance reviews, denying advancement opportunities, and harming her reputation. She brought a First Amendment retaliation claim under Bivens against the individual defendants in their personal capacities.

PROCEDURAL HISTORY

West filed an amended complaint asserting Title VII and ADEA claims against the Secretary of the Navy in his official capacity and a First Amendment Bivens claim against individual federal employees. The individual defendants moved to dismiss Count III for failure to state a claim. After briefing, the district court dismissed Count III while allowing the two claims against the Secretary to proceed.

DISPOSITION

dismissed

CASES CITED

- *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)
- *Lake v. Neal*, 585 F.3d 1059 (7th Cir. 2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007)
- *Johnson v. City of Shelby*, 574 U.S. 10 (2014)
- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696 (9th Cir. 1990)
- *Ashcroft v. Iqbal*, 556 U.S. 662 (2009)
- *Reichle v. Howards*, 566 U.S. 658 (2012)
- *Ziglar v. Abbasi*, 582 U.S. 120 (2017)
- *Davis v. Passman*, 442 U.S. 228 (1979)
- *Carlson v. Green*, 446 U.S. 14 (1980)
- *Bush v. Lucas*, 462 U.S. 367 (1983)
- *United States v. Standard Oil Co. of Cal.*, 332 U.S. 301 (1947)
- *Massey v. Helman*, 196 F.3d 727 (7th Cir. 1999)

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