

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

David S. Wraggs v. Bellevue Police Department, Sarpy County
Corrections, and CHI Midlands Hospital

Wraggs · No. 8:25CV676 · Decided January 30, 2026

SUMMARY

The United States District Court for the District of Nebraska conducted an initial review under 28 U.S.C. § 1915(e)(2) of David S. Wraggs’s claims arising from his arrest, detention, physical restraint, and medical treatment. The court concluded that the complaint failed to state cognizable claims under 42 U.S.C. § 1983, Title II of the ADA, or HIPAA, and that diversity jurisdiction was absent. Rather than dismissing the action immediately, the court granted Wraggs leave to file an amended complaint by March 2, 2026.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Cheryl R. Zwart
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	January 30, 2026
DOCKET	8:25CV676
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a pro se complaint filed in forma pauperis under 28 U.S.C. § 1915(e)(2), addressing whether the complaint should be summarily dismissed for failure to state a claim, frivolousness, immunity, or lack of subject matter jurisdiction.
STANDARD OF REVIEW	The court reviewed the in forma pauperis complaint under 28 U.S.C. § 1915(e)(2), accepting sufficiently pleaded factual allegations as true and determining whether the complaint was frivolous, malicious, failed to state a claim upon which relief may be granted, sought relief from an immune defendant, or established subject matter jurisdiction. Pro se pleadings were liberally construed, but Plaintiff was still required to allege facts that stated a legally cognizable claim.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

PARTIES

David S. Wraggs v. Bellevue Police Department, Sarpy County
Corrections, CHI Midlands Hospital

TOPICS

subject matter jurisdiction

pleadings

civil procedure

section 1983

ada / disability

PRACTICE AREAS

civil procedure

civil rights

constitutional law

disability discrimination

health law

QUESTIONS PRESENTED

1. Whether Plaintiff's complaint stated a cognizable claim under 42 U.S.C. § 1983 against the municipal departments and private hospital entity.
2. Whether Plaintiff adequately pleaded a Title II ADA claim against the defendants.
3. Whether HIPAA provides Plaintiff with a private right of action.
4. Whether the complaint established federal-question or diversity subject matter jurisdiction.
5. Whether Plaintiff should be granted leave to amend rather than having the complaint dismissed immediately.

HOLDINGS

1. The complaint failed to state a § 1983 claim against the city and county defendants because the police and corrections departments lacked separate legal status and the complaint did not allege a municipal policy or custom causing the injuries.
2. The complaint failed to state a § 1983 claim against CHI Midlands Hospital because it did not plausibly allege that the private hospital was acting under color of state law.
3. The complaint failed to state a Title II ADA claim because Plaintiff alleged disability discrimination only conclusorily and did not plead facts supporting the elements of the claim.
4. HIPAA does not create a private right of action, so Plaintiff could not recover under HIPAA.
5. The complaint did not establish federal-question jurisdiction because it failed to state a cognizable federal claim, and it did not establish diversity jurisdiction because Plaintiff and all defendants were Nebraska citizens.
6. The court granted Plaintiff leave to file an amended complaint by March 2, 2026, instead of dismissing the action immediately.

KEY QUOTATIONS

"Only a state actor can face § 1983 liability." (III.A.1)

"Since HIPAA does not create a private right of action, Plaintiff's complaint fails to state a claim for recovery under that statute." (III.A.3)

FACTUAL BACKGROUND

Plaintiff alleged that after lumbar spine surgery he had substantial physical limitations. He claimed that Bellevue police and Sarpy County corrections personnel forcibly seated and restrained him during DUI-related custody and injected him without consent, causing renewed spinal injury, pain, and other injuries. He further alleged that, while hospitalized at CHI Midlands Hospital, a police officer restrained his legs and that hospital employees failed to intervene. Plaintiff asserted claims under 42 U.S.C. § 1983, Title II of the ADA, HIPAA, and Nebraska law.

PROCEDURAL HISTORY

Plaintiff filed the complaint on November 21, 2025, and was granted leave to proceed in forma pauperis. The court conducted its required initial review and concluded that the complaint failed to state cognizable federal claims and did not establish diversity jurisdiction. Rather than dismissing immediately, the court granted Plaintiff until March 2, 2026, to file an amended complaint and reserved the right to conduct further screening.

DISPOSITION

other

CASES CITED

- Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 848-49 (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)
- Northwest South Dakota Prod. Credit Ass'n v. Smith, 784 F.2d 323, 325 (8th Cir. 1986)
- Ryan v. Schneider Nat'l Carriers, Inc., 263 F.3d 816, 819 (8th Cir. 2001)
- Winslow v. Smith, 672 F. Supp. 2d 949, 964 (D. Neb. 2009)
- Griggs v. Douglas Cnty. Corr. Ctr., No. 8:07CV404, 2008 WL 1944557, at *1 (D. Neb. Apr. 29, 2008)
- Hood-Bey v. Brown, No. 8:24CV474, 2025 WL 1167837, at *12 (D. Neb. Apr. 22, 2025)
- Hughes v. Stottlemire, 454 F.3d 791, 798 (8th Cir. 2006)
- Los Angeles Cnty., Cal. v. Humphries, 562 U.S. 29, 30-31 (2010)
- Monell v. New York City Dept. of Social Servs., 436 U.S. 658 (1978)
- Brockinton v. City of Sherwood, Ark., 503 F.3d 667, 674 (8th Cir. 2007)
- Doe v. N. Homes, Inc., 11 F.4th 633, 637-38 (8th Cir. 2021)
- Manhattan Cmty. Access Corp. v. Halleck, 587 U.S. 802, 809 (2019)
- Lugar v. Edmondson Oil Co., 457 U.S. 922, 939 (1982)
- Magee v. Trs. of Hamline Univ., Minn., 747 F.3d 532, 536 (8th Cir. 2014)

- Randolph v. Rodgers, 170 F.3d 850, 858 (8th Cir. 1999)
- Dodd v. Jones, 623 F.3d 563, 569 (8th Cir. 2010)

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