

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

Fabian Antonio Thomas v. Officer Skylar Sillivent, in his individual
capacity, et al.

Thomas · No. 4:25-cv-1207-JDK · Decided March 2, 2026

SUMMARY

The United States District Court for the Eastern District of Texas adopted the magistrate judge’s report and recommendation and granted defendants’ Rule 12(b)(6) motions. The court dismissed Fabian Antonio Thomas’s claims concerning an allegedly unlawful arrest warrant, failure to intervene, supervisory liability, and municipal liability with prejudice, concluding that amendment would be futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
WRITING FOR THE COURT	Jeremy D. Kernodle
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	March 2, 2026
DOCKET	4:25-cv-1207-JDK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Order adopting a magistrate judge's report and recommendation and granting defendants' Rule 12(b)(6) motions to dismiss a pro se civil-rights action with prejudice.
STANDARD OF REVIEW	De novo review of the objected-to portions of the magistrate judge's report and recommendation under Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b)(1); Rule 12(b)(6) failure-to-state-a-claim standard for the underlying motions.
PRECEDENTIAL VALUE	unpublished federal district court order; precedential status unknown

TOPICS

- motions to dismiss
- pleadings
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

federal courts

QUESTIONS PRESENTED

1. Whether the district court properly considered the arrest affidavit and warrant in ruling on the Rule 12(b)(6) motions.
2. Whether Thomas plausibly alleged that Officer Sillivent unlawfully procured the arrest warrant under *Franks v. Delaware*.
3. Whether Thomas sufficiently pleaded failure-to-intervene, supervisory-liability, and Monell claims against the remaining defendants.
4. Whether dismissal should be with prejudice or whether Thomas should receive another opportunity to amend.

HOLDINGS

1. The court may consider documents attached to or referred to in the complaint or motion to dismiss when they are critical to the claims without converting the motion into one for summary judgment.
2. To establish that an arrest was obtained unlawfully under *Franks*, a challenger must show both that the officer knowingly or recklessly made a false statement to procure the warrant and that the warrant would not establish probable cause without the false information.
3. Conclusory allegations unsupported by specific facts do not state viable failure-to-intervene, supervisory-liability, or municipal-liability claims under Rule 12(b)(6).
4. Dismissal with prejudice is appropriate when the plaintiff has already had an opportunity to amend and further amendment would be futile.

KEY QUOTATIONS

“The Court conducting a de novo review examines the entire record and makes an independent assessment under the law.” (at 1)

“To establish that an arrest was obtained unlawfully, a challenger must show that (1) an officer gave a knowingly or recklessly false statement to procure a warrant and (2) the warrant would not establish probable cause without the false information.” (at 2)

“In order to avoid dismissal for failure to state a claim, however, a plaintiff must plead specific facts, not mere conclusory allegations.” (at 3)

FACTUAL BACKGROUND

Thomas sued police officers and the City of The Colony under 42 U.S.C. § 1983 and related theories arising from his arrest. He challenged the arrest warrant, asserting that Officer Sillivent knowingly or recklessly omitted from the affidavit that he had not observed bruises or bodily injury to the victim. He also asserted failure-to-

intervene, supervisory-liability, and Monell claims against the remaining defendants. The court found the allegations insufficient and concluded that further amendment would be futile in light of the arrest affidavit.

PROCEDURAL HISTORY

Fabian Antonio Thomas filed suit against several police officers and the City of The Colony, Texas. The action was referred to Magistrate Judge John D. Love, who recommended granting defendants' motions to dismiss and dismissing the action with prejudice. Thomas objected, and the district court reviewed the objected-to portions de novo, adopted the recommendation, granted the motions, and dismissed the case with prejudice.

DISPOSITION

dismissed

CASES CITED

- *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)
- *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308 (2007)
- *Franks v. Delaware*, 438 U.S. 154, 171 (1978)
- *Collins v. Morgan Stanley Dean Witter*, 224 F.3d 496, 498 (5th Cir. 2000)
- *United States v. Lopez*, 817 F.3d 541, 545 (5th Cir. 2016)
- *Wilson v. Grest*, No. 17-2997, 2017 WL 4998651, at *4 (E.D. La. Nov. 2, 2017)

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