

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

Isabella Rae Abbruzzese v. Stephen F. Austin State University and
UT System

Abbruzzese · No. 9:25-CV-00018-MJT-CLS · Decided February 27, 2026

SUMMARY

The United States District Court for the Eastern District of Texas partially adopted a magistrate judge’s report and recommendation in an action brought by Isabella Rae Abbruzzese against Stephen F. Austin State University and the UT System. The court dismissed numerous claims for lack of subject-matter jurisdiction or failure to state a claim, denied the motion for temporary restraining order and preliminary injunction as moot, and allowed limited amendment of Title IX retaliation and ADA/Rehabilitation Act claims. The court also granted defendants’ motion to stay discovery until the filing of a third amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Lufkin Division
WRITING FOR THE COURT	Michael J. Truncale
JURISDICTION	United States District Court for the Eastern District of Texas, Lufkin Division
DECIDED	February 27, 2026
DOCKET	9:25-CV-00018-MJT-CLS
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation after Plaintiff filed objections, and ruled on Defendants' motions to dismiss and to stay discovery and Plaintiff's motion for a temporary restraining order and preliminary injunction.
STANDARD OF REVIEW	Specific objections to a magistrate judge's report and recommendation receive de novo review; unobjected recommendations are reviewed for clear error. A motion to dismiss is evaluated based on the well-pleaded factual allegations, with reasonable inferences for the nonmovant, but the court may not supply facts not alleged. In resolving a subject-

	matter-jurisdiction dismissal, the court may make factual determinations necessary to resolve jurisdiction.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Isabella Rae Abbruzzese v. Stephen F. Austin State University, UT System

TOPICS

motions to dismiss

subject matter jurisdiction

ada / disability

injunctions

discovery dispute

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether the magistrate judge's unobjected recommendations should be reviewed for clear error and adopted.
2. Whether Plaintiff adequately pleaded qualifying disability, discrimination, failure-to-accommodate, and retaliation claims under the ADA and Rehabilitation Act.
3. Whether Plaintiff adequately pleaded Title IX retaliation and deliberate-indifference claims.
4. Whether the named university defendants were subject to Eleventh Amendment immunity on Plaintiff's § 1983 claims and whether Ex parte Young could apply without naming individual state officials in their official capacities.
5. Whether Plaintiff should receive leave to file a third amended complaint and which claims could be repleaded.
6. Whether Plaintiff's procedural due process, Fourth Amendment, and equal protection claims could be cured by amendment.
7. Whether Plaintiff's motion for a temporary restraining order and preliminary injunction was moot.
8. Whether discovery should be stayed pending amendment of the complaint.

HOLDINGS

1. When a party does not specifically object to recommendations in a magistrate judge's report, the district court reviews those recommendations for clear error rather than conducting de novo review.
2. Plaintiff failed to plead facts showing a qualifying disability for her ADA and Rehabilitation Act failure-to-accommodate and discrimination claims, and failed to plead that the challenged decision occurred solely because of her disability for her Rehabilitation Act retaliation claim.
3. Plaintiff failed to plead sufficient factual detail connecting protected activity temporally to alleged retaliation and failed to plead the facts necessary to meet the high deliberate-indifference standard.

4. Plaintiff's § 1983 claims against SFA and the UT System were barred by sovereign immunity, and *Ex parte Young* did not apply because Plaintiff did not name individual state officials as defendants in their official capacities.
5. Plaintiff was granted fourteen days to file a third amended complaint limited to Title IX retaliation, ADA and Rehabilitation Act failure-to-accommodate claims, ADA and Rehabilitation Act discrimination claims, and ADA retaliation, but amendment was denied as futile for the proposed § 1983 procedural due process, Fourth Amendment, and equal protection claims.
6. Plaintiff's motion for a temporary restraining order and preliminary injunction was moot.
7. Discovery was stayed until Plaintiff filed a third amended complaint.

KEY QUOTATIONS

“For Ex parte Young to apply, a “plaintiff must name individual state officials as defendants in their official capacities.”” (Section V)

“A student subject to school disciplinary proceedings is entitled to some procedural due process,” including “notice of the charges,” “an explanation of what evidence exists against” the student, and “an opportunity to present [the student’s] side of the story.”” (Section VI)

“All that Goss required was an ‘informal give-and-take’ between the student and the administrative body dismissing him that would, at least, give the student ‘the opportunity to characterize his conduct and put it in what he deems the proper context.’” (Section VI)

FACTUAL BACKGROUND

Plaintiff alleged that Stephen F. Austin State University and the UT System exposed her to mold, mishandled her Title IX complaint, and initiated procedurally deficient student-conduct proceedings in retaliation for filing a Title IX complaint. She also asserted claims under the ADA, Rehabilitation Act, Title IX, § 1983, and various state and federal laws. Plaintiff sought an injunction preventing suspension and allowing her to remain enrolled at SFA, but by the time of the hearing she stated that she did not wish to return to SFA and was enrolled at the University of North Texas.

PROCEDURAL HISTORY

The matter was referred to Magistrate Judge Christine L. Stetson for pretrial proceedings and recommendations on dispositive matters. The magistrate judge recommended dismissal, denial of injunctive relief, and denial as moot of the motion to stay discovery. After Plaintiff objected, the district court conducted de novo review of specific objections and clear-error review of unobjected recommendations, adopted the report and recommendation in part, dismissed specified claims, granted limited leave to amend, denied injunctive relief as moot, and stayed discovery until a third amended complaint was filed.

DISPOSITION

other

CASES CITED

- *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc)
- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1412 (5th Cir. 1996) (en banc)
- *Allder v. Arcosa Telecom Structures, LLC*, No. 24-CV-145, 2025 WL 1363093, at *5 (E.D. Tex. Apr. 3, 2025)
- *Doe v. Edgewood Indep. Sch. Dist.*, 964 F.3d 351, 356 (5th Cir. 2020)
- *Block v. Tex. Bd. of L. Exam'rs*, 952 F.3d 613, 619 & n.24 (5th Cir. 2020)
- *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2002)
- *Willis v. Tex. Tech Univ. Health Scis. Ctr.*, 394 F. App'x 86, 87 (5th Cir. 2010) (per curiam)
- *Esfeller v. O'Keefe*, 391 F. App'x 337, 342-43 (5th Cir. 2010)
- *Goss v. Lopez*, 419 U.S. 565, 574, 581, 583 (1975)
- *Bd. of Curators of Univ. of Mo. v. Horowitz*, 435 U.S. 78, 85-86 (1978)

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