

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

William J. Webb, Jr. v. Robert May, et al.

Webb · No. Civ. No. 22-933-CFC · Decided December 16, 2025

SUMMARY

The United States District Court for the District of Delaware grants defendants’ motion to dismiss William J. Webb, Jr.’s amended 42 U.S.C. § 1983 complaint concerning alleged interference with court-ordered parent-child visitation. The court concludes that the referenced Family Court order did not mandate visitation and that the amended complaint therefore failed to plausibly state a First or Fourteenth Amendment freedom-of-association claim. The court denies the motion for preliminary injunction and restraining order but grants Webb one final opportunity to amend.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Colm F. Connolly
JURISDICTION	United States District Court for the District of Delaware
DECIDED	December 16, 2025
DOCKET	Civ. No. 22-933-CFC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that prison officials failed to facilitate court-ordered parent-child visitation and thereby violated his First and Fourteenth Amendment rights. After Plaintiff filed an amended complaint, Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and Plaintiff moved for a preliminary injunction and restraining order.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and views them in the light most favorable to the plaintiff. A pro se pleading is liberally construed. Dismissal is proper when the allegations, even so construed, do not state a facially plausible entitlement to relief.
PRECEDENTIAL VALUE	unknown
PARTIES	William J. Webb, Jr. v. Robert May, Orlando DeJesus, Stacey Hollis, Unknown Thongvong

TOPICS

motions to dismiss

section 1983

first amendment

fourteenth amendment

injunctions

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prisoner rights

QUESTIONS PRESENTED

1. Whether the district court could consider the Delaware Family Court visitation order on a Rule 12(b)(6) motion.
2. Whether the amended complaint plausibly stated a First or Fourteenth Amendment freedom-of-association claim based on the defendants' alleged failure to facilitate parent-child visitation.
3. Whether Plaintiff was entitled to a preliminary injunction or restraining order.

HOLDINGS

1. The court could consider the Family Court order because it was integral to and explicitly relied upon in the amended complaint, and Plaintiff had actual notice of it.
2. The amended complaint failed to state a First or Fourteenth Amendment freedom-of-association claim because the Family Court order did not mandate visitation, and the alleged failure to facilitate visitation, without more, was insufficient to support the claim.
3. Plaintiff was not entitled to preliminary injunctive relief or a restraining order because he had not shown cause for that relief.

KEY QUOTATIONS

“Defendants did not violate a Court Order because there was no order mandating visitation between Plaintiff and Plaintiff’s daughter.”

“Out of an abundance of caution, Plaintiff will be granted one final opportunity to file a second amended complaint, alleging facts supporting a First and Fourteenth Amendment freedom-of-association claim upon which this Court may grant relief.”

FACTUAL BACKGROUND

Plaintiff, an incarcerated Delaware state prisoner, alleged that a Delaware Family Court order required JTVCC to schedule parent-child visits with his daughter. He alleged that only one visit occurred in 2021 and that prison officials failed to investigate or enforce the visitation arrangement. The court reviewed the underlying Family Court order, which authorized biweekly virtual visits only if JTVCC could accommodate them, and concluded that the order did not mandate visitation.

PROCEDURAL HISTORY

Plaintiff initiated the action on July 14, 2022, and later filed an amended complaint as the operative pleading. The district court granted Defendants' motion to dismiss for failure to state a claim, denied Plaintiff's motion for

preliminary injunctive relief for lack of cause shown, and granted Plaintiff one final opportunity to file a second amended complaint.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 558 (2007)
- Davis v. Abington Mem'l Hosp., 765 F.3d 236, 241 (3d Cir. 2014)
- In re Rockefeller Ctr. Props., Inc. Sec. Litig., 311 F.3d 198, 216 (3d Cir. 2002)
- Johnson v. City of Shelby, 574 U.S. 10, 11-12 (2014)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- In re Rockefeller Ctr. Props. Sec. Litig., 184 F.3d 280, 287 (3d Cir. 1999)
- In re Burlington Coat Factory Sec. Litig., 114 F.3d 1410, 1426 (3d Cir. 1997)