

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mbalaminwe Mwimanzi v. District of Columbia et al.

Civil Action No. 25-102 (TJK) (D.D.C. Mar. 6, 2026) · No. Civil Action No. 25-102 (TJK) · Decided March 6, 2026

SUMMARY

The District Court for the District of Columbia dismissed Mbalaminwe Mwimanzi’s claims arising from his detention, custodial intake, and visual body-cavity search after his probation was revoked. The court held that the complaint failed to plausibly allege a District of Columbia policy or custom causing the alleged constitutional violations. It also held that claims against the U.S. Marshals Service and the Department of Justice were barred by sovereign immunity and that Bivens does not provide a waiver of that immunity or permit claims against federal agencies.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Timothy J. Kelly
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 6, 2026
DOCKET	Civil Action No. 25-102 (TJK)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss the second amended complaint. The District of Columbia moved for dismissal under Federal Rule of Civil Procedure 12(b)(6), and the U.S. Marshals Service and U.S. Department of Justice moved for dismissal on multiple grounds, including lack of a Bivens cause of action and sovereign immunity.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the complaint must contain sufficient factual matter to state a plausible claim for relief. Subject-matter jurisdiction and sovereign-immunity issues must be addressed when raised or apparent, including sua sponte under Rule 12(h)(3).
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive rather than binding precedent outside the case.

TOPICS

- motions to dismiss
- subject matter jurisdiction
- sovereign immunity
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

municipal liability

sovereign immunity

QUESTIONS PRESENTED

1. Whether the second amended complaint plausibly alleged that a District of Columbia policy or custom caused a constitutional violation sufficient to support municipal liability under 42 U.S.C. § 1983.
2. Whether constitutional damages claims against the U.S. Marshals Service and the U.S. Department of Justice were barred by sovereign immunity and the absence of a Bivens cause of action against federal agencies.

HOLDINGS

1. The complaint failed to state a claim against the District of Columbia because it alleged constitutional injuries but provided no nonconclusory facts plausibly showing that a District policy or custom caused those injuries.
2. The claims against the federal agencies were barred by sovereign immunity and had to be dismissed for lack of subject-matter jurisdiction; Bivens does not waive sovereign immunity and does not authorize constitutional damages claims against federal agencies.

KEY QUOTATIONS

“Those “do not suffice” to state a plausible claim under these circumstances.” (p. 4)

“But Bivens is not a waiver of sovereign immunity.” (p. 6)

FACTUAL BACKGROUND

Mwimanzi pleaded guilty in the Superior Court of the District of Columbia to violating a civil protection order and received a suspended 75-day sentence and one year of probation. After probation was revoked and the sentence imposed, he was detained and transported to the D.C. Jail even though he alleged that he had accrued more than 75 days of credit. At the jail, he underwent several hours of custodial intake, including being ordered to strip naked and submitting to a visual body-cavity inspection, before officials confirmed that he had completed his sentence and released him.

PROCEDURAL HISTORY

Plaintiff initially sued the D.C. Department of Corrections, the U.S. Marshals Service, and the U.S. Department of Justice under the Fifth and Eighth Amendments and the Federal Tort Claims Act. The court granted two motions for leave to amend; in the second amended complaint, plaintiff substituted the District of Columbia for the Department of Corrections and asserted Fourth and Fifth Amendment claims. The court granted dismissal of the claims against the District, dismissed the claims against the federal defendants for lack of subject-matter jurisdiction, denied the federal defendants' motion as moot, and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- Whiting v. AARP, 637 F.3d 355, 364 (D.C. Cir. 2011)
- Veg-Mix, Inc. v. U.S. Dep't of Agric., 832 F.2d 601, 607 (D.C. Cir. 1987)
- Monell v. Dep't of Soc. Servs. of N.Y.C., 436 U.S. 658, 694–695 (1978)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Blue v. District of Columbia, 811 F.3d 14, 18, 20 (D.C. Cir. 2015)
- Givens v. Bowser, 111 F.4th 117, 122 (D.C. Cir. 2024)
- Frederick Douglass Found., Inc. v. District of Columbia, 82 F.4th 1122, 1136 (D.C. Cir. 2023)
- Bame v. Dillard, 637 F.3d 380, 386 (D.C. Cir. 2011)
- Brownback v. King, 592 U.S. 209, 218 (2021)
- Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 93 (1998)
- United States v. N.Y. Rayon Importing Co., 329 U.S. 654, 660 (1947)
- United States v. Mitchell, 463 U.S. 206, 215–216 (1983)
- FDIC v. Meyer, 510 U.S. 471, 475, 484–485 (1994)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971)

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