

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Ashley Brianne Fisk v. Oklahoma Department of Human Services, et
al.

Fisk · No. 25-CV-260-JFH-GLJ · Decided June 3, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma adopts in part a magistrate judge’s Report and Recommendation and grants the Oklahoma Department of Human Services’ motion to dismiss. The court dismisses all claims without prejudice because the amended complaint fails to satisfy Federal Rule of Civil Procedure 8, declines to stay the action under Younger abstention, and grants Plaintiff twenty-one days to amend specified claims and clarify the allegations.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	John F. Heil III
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	June 3, 2026
DOCKET	25-CV-260-JFH-GLJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of Plaintiff's claims and a stay under Younger abstention. No party objected within the statutory period.
PRECEDENTIAL VALUE	unknown
PARTIES	Ashley Brianne Fisk v. Oklahoma Department of Human Services, et al.

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- section 1983
- child custody

PRACTICE AREAS

- civil procedure
- family law
- constitutional law
- civil rights
- indian affairs
- remedies

QUESTIONS PRESENTED

1. Whether the amended complaint should be dismissed for failing to comply with Federal Rule of Civil Procedure 8.
2. Whether the action should be stayed under the Younger abstention doctrine.
3. Whether Plaintiff should receive a limited opportunity to amend the complaint after dismissal without prejudice.

HOLDINGS

1. The amended complaint failed to satisfy Rule 8 because it asserted allegations against the collective group of Defendants without adequately delineating who allegedly did what to whom.
2. A stay was unwarranted because all claims were being dismissed for failure to comply with Rule 8; the court therefore declined to stay the federal damages claims.
3. Plaintiff was granted a limited opportunity to amend within twenty-one days to add factual allegations supporting Counts Two and Five and to comply with Rule 8 by identifying the conduct attributable to each defendant.

KEY QUOTATIONS

“Given Plaintiff’s allegations against the collective ‘Defendants,’ the undersigned Magistrate Judge finds the Amended Complaint runs afoul of the pleading requirements of Rule 8 and recommends the Complaint be dismissed in its entirety.” (Dkt. No. 48 at 16-17)

“Because the Court dismisses all of Plaintiff’s claims, it will not enter a stay of this case.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff challenged state-court proceedings involving her biological children and alleged unlawful removal, retention, and interference with familial association by state actors and contracting entities. She sought declaratory and injunctive relief, return of her children to her or tribal jurisdiction, and compensatory and punitive damages. The district court focused on the complaint’s failure to identify adequately which defendant allegedly did what to whom and therefore concluded that the pleading did not satisfy Rule 8.

PROCEDURAL HISTORY

Plaintiff asserted claims concerning the removal and retention of her children, alleged violations of the Indian Child Welfare Act and Oklahoma Indian Child Welfare Act, procedural due process and Fourth Amendment claims under 42 U.S.C. § 1983, state-law forgery and misrepresentation, and retaliation concerning parental rights. The magistrate judge recommended dismissal of all claims because the amended complaint failed to satisfy Federal Rule of Civil Procedure 8, while also recommending Younger abstention for certain claims and a stay of damages claims against individual-capacity defendants. The district court granted DHS’s motion to dismiss, dismissed all claims without prejudice, declined to stay the action, and granted Plaintiff twenty-one days to amend.

DISPOSITION

dismissed

CASES CITED

- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Elna Sefcovic, LLC v. TEP Rocky Mountain, LLC*, 953 F.3d 660, 669-70 (10th Cir. 2020)
- *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69, 72 (2013)
- *Graff v. Aberdeen Enterprizes, II, Inc.*, 65 F.4th 500, 523 (10th Cir. 2023)
- *Headman v. Hansen*, No. 2:19-CV-592, 2020 WL 1139150, at *3 (D. Utah Mar. 9, 2020), *aff'd*, 815 F. App'x 315 (10th Cir. 2020)
- *Marck v. Miller*, No. 22-CV-238, 2022 WL 3443803, at *6 (D. Colo. June 13, 2022), report and recommendation adopted, 2022 WL 3443777 (D. Colo. July 13, 2022), *aff'd*, No. 22-1241, 2023 WL 2592176 (10th Cir. Mar. 22, 2023)
- *Boeckman v. Rodriguez*, No. 10-CV-214, 2010 WL 2867968, at *2-3 (N.D. Okla. July 20, 2010)

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