

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Gabriel Burress v. Unknown Shawnee Police Officers, et al.

Burress · No. CIV-25-831-R · Decided December 11, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopts a magistrate judge’s Report and Recommendation and dismisses Gabriel Burress’s amended 42 U.S.C. § 1983 complaint without prejudice. The court holds that the complaint fails to identify what each unknown officer did, when the alleged assault occurred, the nature of the assault, or the resulting injuries, and also fails to plead a municipal policy or custom supporting official-capacity liability. The court denies as moot the plaintiff’s requests for discovery, appointed counsel, grievances, and refiling of prior cases.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	David L. Russell
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 11, 2025
DOCKET	CIV-25-831-R
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of a pro se pretrial detainee's amended 42 U.S.C. § 1983 complaint for failure to state a claim. After the plaintiff filed an objection, the district court conducted de novo review of the specifically objected-to portions, adopted the Report and Recommendation, and dismissed the amended complaint without prejudice.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which a specific objection was made, under 28 U.S.C. § 636(b)(1)(C). The complaint was screened for failure to state a claim under 28 U.S.C. §§ 1915A(a) and 1915(e)(2).
PRECEDENTIAL VALUE	Unknown; district court order.
PARTIES	Gabriel Burress v. Unknown Shawnee Police Officers, et al.

TOPICS

section 1983

pleadings

municipal liability

police misconduct

civil procedure

PRACTICE AREAS

civil rights

civil procedure

municipal liability

prisoner litigation

QUESTIONS PRESENTED

1. Whether the amended complaint sufficiently identified what each unknown officer did, when the conduct occurred, how it harmed plaintiff, and what legal right was violated to provide fair notice and state a § 1983 claim.
2. Whether the official-capacity claims stated a claim for municipal liability by alleging an official policy or custom, causation, and deliberate indifference.
3. Whether plaintiff's requests for camera footage, other information, appointed counsel, and refiling of prior cases remained actionable after dismissal of the amended complaint.

HOLDINGS

1. A § 1983 complaint against multiple government actors must make clear who allegedly did what to whom, when the conduct occurred, how it harmed the plaintiff, and what specific legal right was violated; Burress's generalized allegation that four unknown officers violently assaulted him multiple times was insufficient to provide fair notice or state a claim.
2. An official-capacity § 1983 claim against municipal employees is treated as a claim against the municipality and must allege an official policy or custom, causation, and deliberate indifference; Burress failed to state such a claim.
3. Requests for camera footage and other information, appointed counsel, and refiling of prior cases were moot after dismissal of the amended complaint and were denied.

KEY QUOTATIONS

“A complaint’s clarity as to who did what to whom and when is crucial to permit “the defendant sufficient notice to begin preparing its defense and the court sufficient clarity to adjudicate the merits.””

“Simply put, this is insufficient to put the Defendants on notice of the claims against them and therefore insufficient to state a claim.”

FACTUAL BACKGROUND

Burress, a pretrial detainee proceeding pro se and in forma pauperis, alleged that a police officer harassed him by shouting profanities, lingering near his apartment, following him, making threatening gestures, and pretending to reach for a gun. He further alleged that, after he fled, approximately four Shawnee police officers arrived and violently assaulted him multiple times. The amended complaint did not state when the assault occurred, describe the nature of the assault or resulting injuries, identify what each officer did, or allege a municipal policy or custom causing the asserted injuries.

PROCEDURAL HISTORY

Plaintiff filed an amended § 1983 complaint against unknown Shawnee police officers, alleging that officers assaulted him and seeking relief from criminal charges and convictions and compensation. Magistrate Judge Shon T. Erwin screened the complaint under 28 U.S.C. §§ 1915A(a) and 1915(e)(2) and recommended dismissal because the allegations did not identify what each defendant did and because the official-capacity claims failed to plead municipal liability. Plaintiff objected and also sought discovery, appointed counsel, and refiling of prior cases. The district court adopted the recommendation, dismissed without prejudice, and denied the ancillary requests as moot.

DISPOSITION

dismissed

CASES CITED

- Hall v. Miller, No. CIV-25-00518-JD, 2025 WL 2630738, at *1 (W.D. Okla. Sept. 12, 2025)
- United States v. 2121 E. 30th St., 73 F.3d 1057, 1059-60 (10th Cir. 1996)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe Cnty. Just. Ctr., 492 F.3d 1158, 1163 (10th Cir. 2007)
- Robbins v. Oklahoma, 519 F.3d 1242, 1248-50 (10th Cir. 2008)
- Mayfield v. Presbyterian Hosp. Admin., 772 Fed. App'x 680, 686 (10th Cir. 2019) (unpublished)
- Brown v. Montoya, 662 F.3d 1152, 1161 n.5 (10th Cir. 2011)
- Crowson v. Washington Cnty., 983 F.3d 1166, 1173 n.1 (10th Cir. 2020)
- Porro v. Barnes, 624 F.3d 1322, 1328 (10th Cir. 2010)
- Yelton v. Bd. of Cnty. Comm'rs of Canadian Cnty., No. CIV-21-1001-G, 2024 WL 4415256, at *4 (W.D. Okla. Mar. 18, 2024)
- Barlean v. Okla. Cnty. Crim. Just. Auth., No. CIV-23-00488-JD, 2024 WL 4480184, at *2 (W.D. Okla. Oct. 11, 2024)
- Lucas v. Turn Key Health Clinics, LLC, 58 F.4th 1127, 1145 (10th Cir. 2023)