

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, FORT WORTH DIVISION

Terrence Terrell Lindsey v. The State of Texas, et al.

Civil Action No. 4:25-cv-00836-O-BP (N.D. Tex. Feb. 25, 2026) (findings, conclusions, and recommendation) ·
No. 4:25-cv-00836-O-BP · Decided February 25, 2026

SUMMARY

These findings, conclusions, and recommendation address the screening of a pro se plaintiff’s in forma pauperis complaint under 28 U.S.C. § 1915(e)(2). The magistrate judge recommends dismissing claims against the State of Texas, the Texas Office of the Attorney General, and Warren Kenneth Paxton, Jr. without prejudice for lack of subject-matter jurisdiction, and dismissing the remaining claims with prejudice for failure to state a claim, frivolousness, or applicable time bars. The claims concern alleged due process violations, child-support enforcement, fraud, criminal statutes, RICO, treason, and separation of powers.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Fort Worth Division
WRITING FOR THE COURT	Hal R. Ray, Jr.
JURISDICTION	United States District Court for the Northern District of Texas, Fort Worth Division
DECIDED	February 25, 2026
DOCKET	4:25-cv-00836-O-BP
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff proceeding in forma pauperis filed a civil complaint alleging due-process violations, fraud, criminal-law violations, separation-of-powers violations, treason, RICO violations, and related claims. After granting in forma pauperis status and withholding service pending screening, the magistrate judge screened the complaint under 28 U.S.C. § 1915(e)(2) and recommended dismissal.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), an in forma pauperis case must be dismissed sua sponte if it is frivolous or fails to state a claim on which relief may be granted. The pleading must satisfy Federal Rule of Civil Procedure 8, and fraud allegations must satisfy Rule 9(b)'s

particularity requirement. Pro se pleadings are liberally construed, but courts may deny leave to amend when amendment would be futile.

PRECEDENTIAL VALUE

nonprecedential

TOPICS

civil procedure

subject matter jurisdiction

sovereign immunity

statute of limitations

due process

PRACTICE AREAS

civil procedure

civil rights

constitutional law

sovereign immunity

family law

QUESTIONS PRESENTED

1. Whether the claims against the State of Texas, the Office of the Attorney General of Texas, and the Attorney General in his official capacity were barred by Eleventh Amendment sovereign immunity and therefore subject to dismissal for lack of subject-matter jurisdiction.
2. Whether the complaint stated actionable civil claims based on alleged violations of federal criminal statutes, including aggravated identity theft and RICO-related provisions.
3. Whether the alleged False Claims Act and fraud claims satisfied the pleading requirements of Federal Rule of Civil Procedure 9(b).
4. Whether the alleged separation-of-powers and treason claims were legally cognizable and adequately pleaded.
5. Whether any claim under 42 U.S.C. § 1983 was barred by Texas's two-year statute of limitations.
6. Whether dismissal without leave to amend was appropriate because the defects were incurable or amendment would be futile.

HOLDINGS

1. Claims against the State of Texas and the Office of the Attorney General of Texas are barred by Eleventh Amendment immunity absent waiver or valid congressional abrogation. The same immunity applies to Attorney General Warren Kenneth Paxton, Jr. to the extent he was sued in his official capacity for damages.
2. A civil plaintiff may not recover based solely on alleged violations of federal criminal statutes, including aggravated identity theft and other Title 18 provisions, because those statutes do not create private rights of action.
3. Lindsey failed to state a False Claims Act or fraud claim because the complaint did not plead the alleged fraud with the particularity required by Federal Rule of Civil Procedure 9(b).
4. Lindsey's separation-of-powers claim was not legally cognizable on the alleged facts because the challenged conduct involved only branches of state government, and his treason allegations were clearly baseless, irrational, or wholly incredible.

5. Any § 1983 claim based on the events alleged in the complaint was barred by Texas's two-year personal-injury statute of limitations.
6. Dismissal without leave to amend was appropriate because Lindsey had pleaded his best case and amendment would be futile.

KEY QUOTATIONS

“A complaint is frivolous if it “lacks an arguable basis either in law or in fact.”” (2)

“At a minimum, Rule 9(b) requires that a plaintiff set forth the ‘who, what, when, where, and how’ of the alleged fraud.” (7)

“Because Lindsey has pleaded his best, though legally insufficient, case, the Court should dismiss his Complaint without leave to amend” (10)

FACTUAL BACKGROUND

Lindsey alleged that Texas governmental entities and officials, county officials, and others fraudulently forced him to participate in child-support enrollment services beginning in 2020, stole individual funds, and committed aggravated identity theft. He also challenged a 2021 custody and child-support judgment, alleging fraud and misrepresentation of a personal loan for child-support enforcement. He sought more than \$45 million in compensatory and punitive damages, restoration of parental rights and custody, and dismissal of prior state-court judgments.

PROCEDURAL HISTORY

Lindsey filed his complaint on August 5, 2025, against nine defendants. The court granted him permission to proceed in forma pauperis on August 27, 2025, and withheld service while screening the complaint. The magistrate judge recommended dismissal with prejudice of the claims against non-sovereign defendants and dismissal without prejudice for lack of subject-matter jurisdiction of claims against the State of Texas, the Office of the Attorney General of Texas, and Warren Kenneth Paxton, Jr. in his official capacity, without leave to amend. The recommendation remained subject to objections and acceptance or adoption by the district judge.

DISPOSITION

other

CASES CITED

- Spears v. McCotter, 766 F.2d 179, 181-82 (5th Cir. 1985)
- Eason v. Holt, 73 F.3d 600, 602 (5th Cir. 1996)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- McCollum v. Lewis, 852 F. App'x 117, 121 (5th Cir. 2021)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)

- *Torres v. Goldstein*, No. 3:24-cv-1843-B-BK, 2024 WL 4530027, at *2 (N.D. Tex. Sept. 24, 2024)
- *Cledera v. United States*, 834 F. App'x 969, 972 (5th Cir. 2021)
- *Great Plains Tr. Co. v. Morgan Stanley Dean Witter & Co.*, 313 F.3d 305, 329 (5th Cir. 2002)
- *Schiller v. Physicians Res. Grp., Inc.*, 342 F.3d 563, 566 (5th Cir. 2003)
- *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 99-101 (1984)
- *McLaurin v. Off. of Att'y Gen., Child Support Div.*, No. 4:19-cv-00044-O-BP, 2019 WL 4452248, at *2 (N.D. Tex. Aug. 30, 2019)
- *Ex parte Young*, 209 U.S. 123 (1908)
- *Idaho v. Coeur d'Alene Tribe*, 521 U.S. 261, 267 (1997)
- *Bd. of Trs. of Univ. of Ala. v. Garrett*, 531 U.S. 356, 364 (2001)
- *Baldwin v. Univ. of Tex. Med. Branch at Galveston*, 945 F. Supp. 1022, 1030 (S.D. Tex. 1996)
- *United States ex rel. Foulds v. Tex. Tech Univ.*, 171 F.3d 279, 294 (5th Cir. 1999)
- *Gunn v. Minton*, 568 U.S. 251, 256 (2013)
- *Warnock v. Pecos Cnty.*, 88 F.3d 341, 343 (5th Cir. 1996)
- *Williams v. Cintas Corp.*, No. 3:07-cv-0561-M-BD, 2007 WL 1295802, at *2 (N.D. Tex. Apr. 10, 2007)
- *Back v. UTMB*, No. 6:15-cv-129, 2016 WL 9455135, at *2 (W.D. Tex. Apr. 7, 2016)
- *Sanchez v. Glob. Lending Servs.*, No. 4:23-cv-01101-O-BP, 2024 WL 1076827, at *5 (N.D. Tex. Feb. 22, 2024)
- *United States ex rel. Doe v. Dow Chem. Co.*, 343 F.3d 325, 328-30 (5th Cir. 2003)
- *United States ex rel. Thompson v. Columbia/HCA Healthcare Corp.*, 125 F.3d 899, 903 (5th Cir. 1997)
- *Webb v. Quarterman*, No. 3:08-cv-5960-L, 2008 WL 4966715, at *3 (N.D. Tex. Nov. 20, 2008)
- *Baca v. Owens*, 293 F. App'x 247, 250 (5th Cir. 2008)
- *Henderson v. Six Flags Over Tex.*, No. 3-23-cv-1310-D-BN, 2023 WL 5167026, at *1 (N.D. Tex. July 12, 2023)
- *Owens v. Okure*, 488 U.S. 235, 239-40 (1989)
- *Piotrowski v. City of Houston*, 237 F.3d 567, 576 (5th Cir. 2001)
- *Burrell v. Newsome*, 883 F.2d 416, 418 (5th Cir. 1989)
- *Hitt v. Connell*, 301 F.3d 240, 246 (5th Cir. 2002)
- *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001)
- *Jones v. Greninger*, 188 F.3d 322, 327 (5th Cir. 1999)
- *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc)