

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

S.D. v. Abreu, et al.

S.D. v. Abreu, Civil Case No. 1:25-cv-2985-JMC (D. Md. Feb. 11, 2026) · No. 1:25-cv-2985-JMC · Decided February 11, 2026

SUMMARY

The United States District Court for the District of Maryland grants Wicomico County’s motion to dismiss claims arising from alleged sexual assaults and other misconduct by a former deputy sheriff. The court concludes that the deputy was not a County employee for purposes of the asserted vicarious-liability claims and that the complaint fails to plead a municipal policy or custom sufficient to support Monell or Longtin liability. The opinion also dismisses the County’s negligent hiring and retention claim with prejudice based on the plaintiff’s concession.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	J. Mark Coulson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	February 11, 2026
DOCKET	1:25-cv-2985-JMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought federal constitutional, Maryland constitutional, and state tort claims. Wicomico County moved to dismiss or, alternatively, to bifurcate the claims. The court construed the motion as a motion to dismiss and granted it without prejudice, allowing leave to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the sufficiency of the complaint rather than resolving factual disputes or the merits. The court accepts well-pleaded allegations as true, construes the complaint as a whole, and draws reasonable inferences in the plaintiff's favor, but conclusory allegations and labels are insufficient. The decision whether to bifurcate under Rule 42(b) is committed to the court's broad discretion, but the court did not reach bifurcation because it construed and granted the motion as one to dismiss.
PRECEDENTIAL VALUE	unpublished
PARTIES	S.D. v. Steven V. Abreu, Wicomico County, State of Maryland

TOPICS

motions to dismiss

section 1983

municipal liability

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Abreu was a County employee for purposes of imposing vicarious liability on Wicomico County for his alleged misconduct.
2. Whether the complaint plausibly pleaded a Monell claim against Wicomico County based on an unconstitutional policy or custom.
3. Whether the complaint plausibly pleaded a Maryland Longtin pattern-or-practice claim against Wicomico County.
4. Whether the complaint plausibly pleaded failure-to-train, failure-to-supervise-or-discipline, or condonation theories of municipal liability.
5. Whether the County was immune from the negligent-hiring-and-retention claim that Plaintiff conceded.

HOLDINGS

1. The complaint did not plausibly establish that Abreu was a Wicomico County employee. Under Maryland law, sheriffs and deputy sheriffs generally are State officials or employees when performing law-enforcement functions, subject to limited exceptions not alleged here.
2. The complaint failed to plausibly allege that Wicomico County had an unconstitutional policy or custom that caused Plaintiff's injuries, so the Monell and Longtin claims were dismissed.
3. The complaint failed to state a failure-to-train Monell claim because it did not plausibly allege notice of a deficient training program, a deliberate or conscious choice to retain such a program, or that a training deficiency caused Abreu's sexual assaults.
4. The complaint failed to state a failure-to-supervise-or-discipline Monell claim because it did not plausibly allege widespread conduct known to County policymakers, deliberate indifference or tacit authorization, and an affirmative causal link to Plaintiff's injury.
5. The complaint failed to state a condonation claim because the alleged misconduct was not a persistent and widespread practice of sufficient duration to establish actual or constructive knowledge and deliberate indifference by County policymakers.

KEY QUOTATIONS

“To state a Monell claim, the plaintiff must plead two elements: (1) the municipality had an unconstitutional policy or custom; and (2) the unconstitutional policy or custom caused a violation of the plaintiff’s constitutional rights.” (Section III.B.)

“Allegations of sporadic or isolated violations of rights are insufficient.” (Section III.B.3.)

FACTUAL BACKGROUND

Plaintiff alleged that Steven V. Abreu, then a Wicomico County deputy sheriff, sexually assaulted and repeatedly returned to her residence during September and October 2022 after responding to a domestic complaint. Abreu was later terminated, criminally charged with numerous offenses, convicted of fifty-three charges, and appealed. Plaintiff alleged that Wicomico County was vicariously liable and directly liable under federal and Maryland municipal-liability theories based on the conduct of Abreu and supervisory failures.

PROCEDURAL HISTORY

S.D. filed the action on September 10, 2025. Wicomico County and the State of Maryland moved to dismiss; the State was later dismissed by stipulation, and Abreu answered. The court dismissed the claims against Wicomico County under Rule 12(b)(6), concluding that Abreu was a State rather than County employee for the relevant purposes and that the complaint failed to plausibly plead Monell or Longtin municipal liability.

DISPOSITION

dismissed

CASES CITED

- *Chesapeake Bay Foundation, Inc. v. Severstal Sparrows Point, LLC*, 794 F. Supp. 2d 602, 611 (D. Md. 2011)
- *Philips v. Pitt County Memorial Hospital*, 572 F.3d 176, 180 (4th Cir. 2009)
- *United States v. Garcia*, 855 F.3d 615, 621 (4th Cir. 2017)
- *Presley v. City of Charlottesville*, 464 F.3d 480, 483 (4th Cir. 2006)
- *Edwards v. City of Goldsboro*, 178 F.3d 231, 243 (4th Cir. 1999)
- *Petry v. Wells Fargo Bank, N.A.*, 597 F. Supp. 2d 558, 561-62 (D. Md. 2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 545-46 (2007)
- *Humphrey v. National Flood Insurance Program*, 885 F. Supp. 133, 136 (D. Md. 1995)
- *Ibarra v. United States*, 120 F.3d 472, 474 (4th Cir. 1997)
- *Saxion v. Titan-C-Manufacturing*, 86 F.3d 553, 556 (6th Cir. 1996)
- *Beasley v. Kelly*, 2010 WL 3221848, at *3 (D. Md. Aug. 13, 2010)
- *Dixon v. CSX Transportation, Inc.*, 990 F.2d 1440, 1443 (4th Cir. 1993)
- *Kleger v. Dorchester County*, 2024 WL 3555044, at *4-*5 (D. Md. July 23, 2024)
- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 690-91, 694 (1978)
- *Brooks v. St. Charles Hotel Operating, LLC*, 2023 WL 6244612, at *9 n.6 (D. Md. Sept. 26, 2023)
- *Horn v. City of Seat Pleasant, Maryland*, 57 F. Supp. 2d 219, 227 (D. Md. 1999)
- *J.A. v. Abreu*, 2024 WL 3638023, at *3-*4, *6 (D. Md. Aug. 2, 2024)
- *Murphy-Taylor v. Hofmann*, 968 F. Supp. 2d 693, 726 (D. Md. 2013)
- *Ledergerber v. Blubaugh*, 2020 WL 7029868, at *4-*5 (D. Md. Nov. 30, 2020)
- *Rucker v. Harford County*, 316 Md. 281, 286-89 (1989)

- Dotson v. Chester, 937 F.2d 920, 926 (4th Cir. 1991)
- Harried v. Maryland, 2024 WL 4817107, at *4 (D. Md. Nov. 18, 2024)
- Harter v. Vernon, 101 F.3d 334, 337, 340-43 (4th Cir. 1996)
- Barbre v. Pope, 402 Md. 157, 181 n.18 (2007)
- Prince George's County v. Aluisi, 354 Md. 422, 434 (1999)
- Saltz v. City of Frederick, Maryland, 538 F. Supp. 3d 510, 554 (D. Md. 2021)
- Board of County Commissioners of Bryan County v. Brown, 520 U.S. 397, 403 (1997)
- Lytle v. Doyle, 326 F.3d 463, 471 (4th Cir. 2003)
- Milligan v. City of Newport News, 743 F.2d 227, 230 (4th Cir. 1984)
- Johnson v. Baltimore Police Department, 452 F. Supp. 3d 283, 309-11 (D. Md. 2020)
- City of Canton v. Harris, 489 U.S. 378, 389-91 (1989)
- McDonnell v. Hewitt-Angleberger, 2012 WL 1378636, at *4 (D. Md. Apr. 19, 2012)
- Spell v. McDaniel, 824 F.2d 1380, 1388-92 (4th Cir. 1987)
- Doe v. Anne Arundel County, 2025 WL 675059, at *9-*11, *13 (D. Md. Mar. 3, 2025)
- Peters v. City of Mount Rainier, 2014 WL 4855032, at *5 (D. Md. Sept. 29, 2014)
- Lewis v. Simms, 2012 WL 254024, at *1 (D. Md. Jan. 26, 2012)
- McDowell v. Grimes, 2018 WL 3756727, at *4 (D. Md. Aug. 7, 2018)
- Cottman v. Baltimore Police Department, 2022 WL 137735, at *9-*10 (D. Md. Jan. 13, 2022)
- Brown v. Bratton, 2020 WL 886142, at *34-*35 (D. Md. Feb. 21, 2020)
- Owens v. Baltimore City State's Attorneys Office, 767 F.3d 379, 402 (4th Cir. 2014)
- Garcia v. Montgomery County, Maryland, 2013 WL 4539394, at *5 (D. Md. Aug. 23, 2013)