

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

**Podjo Jammarr Rowe v. Nebraska Highway Patrol, Kyle Gaudreault,
and Eric Rosemann**

Rowe · No. 8:25-cv-00381 · Decided January 12, 2026

SUMMARY

The United States District Court for the District of Nebraska conducts an initial review under 28 U.S.C. § 1915(e)(2) of Podjo Jammarr Rowe’s § 1983 complaint concerning a traffic stop, detention, vehicle search, and arrest by Nebraska Highway Patrol officers. The court dismisses claims brought on behalf of other individuals, explains that challenges to criminal convictions must be brought through habeas corpus, and holds that official-capacity claims are barred by sovereign immunity. The court finds the Fourth Amendment allegations insufficiently specific but grants Rowe 30 days to file an amended complaint against the officers in their individual capacities.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Joseph F. Bataillon
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	January 12, 2026
DOCKET	8:25-cv-00381
DISPOSITION	dismissed
PROCEDURAL POSTURE	Initial review of a pro se, in forma pauperis complaint under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. The court applies the plausibility standard under <i>Bell Atlantic Corp. v. Twombly</i> and <i>Ashcroft v. Iqbal</i> and liberally construes a pro se complaint.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive authority only.

TOPICS

section 1983

civil rights

sovereign immunity

eleventh amendment immunity

pleadings

PRACTICE AREAS

Civil rights

constitutional law

federal civil procedure

habeas corpus

sovereign immunity

QUESTIONS PRESENTED

1. Whether Rowe could prosecute claims on behalf of other individuals as a pro se litigant.
2. Whether § 1983 could be used to obtain relief from or overturn Rowe's criminal convictions.
3. Whether the Nebraska Highway Patrol and troopers sued in their official capacities were subject to damages claims under § 1983.
4. Whether Rowe's allegations of an unlawful detention, vehicle search, and arrest stated a plausible Fourth Amendment claim.
5. Whether Rowe should be granted leave to amend.

HOLDINGS

1. A pro se litigant may not represent the interests of other parties or sign pleadings on their behalf; claims Rowe purported to bring for the other named individuals were dismissed.
2. A challenge to the validity of a conviction or confinement must be brought through habeas corpus rather than § 1983; Rowe could not obtain reversal or lifting of his convictions through this civil action.
3. The Nebraska Highway Patrol and the troopers sued in their official capacities were not subject to Rowe's damages claims under § 1983 because they were not suable persons for that purpose and were protected by Eleventh Amendment sovereign immunity.
4. Rowe's conclusory allegations that the troopers unlawfully detained him, searched his vehicle, and arrested him failed to state a plausible Fourth Amendment claim, but he was granted leave to amend.

KEY QUOTATIONS

“Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus” (III.B)

“A pleading that offers ‘labels and conclusions’ or a formulaic recitation of the elements of a cause of action will not do.” (III.D)

FACTUAL BACKGROUND

Rowe alleged that Nebraska Highway Patrol troopers detained him during a traffic stop on I-80, threatened him, placed him in a cruiser, searched his vehicle without permission, and arrested him and another occupant. He sought damages and requested that criminal convictions be lifted. The court took judicial notice that Rowe had pleaded no contest to several Nebraska felony charges arising from the traffic stop and was sentenced to concurrent terms of imprisonment before being released on discretionary parole.

PROCEDURAL HISTORY

Rowe filed a § 1983 complaint on June 6, 2025, and was granted leave to proceed in forma pauperis. The court conducted statutory screening and concluded that the complaint failed to state a plausible claim, but granted Rowe 30 days to file an amended complaint asserting a Fourth Amendment claim against the troopers in their individual capacities.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. Rowe was granted 30 days to file an amended complaint against Gaudreault and Rosemann in their individual capacities, restating the relevant allegations and specifying what each defendant did, when the conduct occurred, and how it harmed him. Any amended complaint must consolidate all claims and will supersede the original complaint.

CASES CITED

- Stutzka v. McCarville, 420 F.3d 757, 760 n.2 (8th Cir. 2005)
- Litschewski v. Dooley, No. 11-4105-RAL, 2012 WL 3023249, at *1 n.1 (D.S.D. July 24, 2012), aff'd, 502 F. App'x 630 (8th Cir. 2013)
- United States v. Brenton, No. 8:04CR262, 2007 WL 3124539, at *1-2 (D. Neb. Oct. 23, 2007)
- Johnson v. O'Donnell, No. 01-C-0257-C, 2001 WL 34372892 (W.D. Wis. Aug. 24, 2001)
- Jones ex rel. Jones v. Corr. Med. Servs., Inc., 401 F.3d 950, 952 (8th Cir. 2005)
- Muhammad v. Close, 540 U.S. 749, 750 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 500 (1973)
- Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 848-49 (8th Cir. 2014)
- Hopkins v. Saunders, 199 F.3d 968, 973 (8th Cir. 1999)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 557, 569-70 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Stone v. Harry, 364 F.3d 912, 915 (8th Cir. 2004)
- Martin v. Aubuchon, 623 F.2d 1282, 1286 (8th Cir. 1980)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Buckley v. Barlow, 997 F.2d 494, 495 (8th Cir. 1993)
- Steckelberg v. Rice, 184 F. Supp. 3d 746, 754 n.4 (D. Neb. 2016), aff'd, 878 F.3d 630 (8th Cir. 2017)
- Llanes v. Neb. State Patrol, No. 4:06-CV-3155, 2007 WL 1321733, at *1 n.1 (D. Neb. Apr. 2, 2007)
- Will v. Michigan Dep't of State Police, 491 U.S. 58, 70 (1989)
- Egerdahl v. Hibbing Cmty. Coll., 72 F.3d 615, 619 (8th Cir. 1995)
- Dover Elevator Co. v. Arkansas State Univ., 64 F.3d 442, 446-47 (8th Cir. 1995)
- Nevels v. Hanlon, 656 F.2d 372, 377-78 (8th Cir. 1981)
- Garcia v. City of New Hope, 984 F.3d 655, 663-64 (8th Cir. 2021)

- De La Rosa v. White, 852 F.3d 740, 743 (8th Cir. 2017)
- Laney v. City of St. Louis, Mo., 56 F.4th 1153 (8th Cir. 2023)
- Johnson v. Crooks, 326 F.3d 995, 998 (8th Cir. 2003)
- United States v. Demilia, 771 F.3d 1051, 1054 (8th Cir. 2014)
- United States v. Payne, 534 F.3d 948, 951 (8th Cir. 2008)
- United States v. Gaxiola, 149 F. App'x 560, 562 (8th Cir. 2005)
- United States v. Cox, 992 F.3d 706, 710-11 (8th Cir. 2021)
- Lawyer v. City of Council Bluffs, 361 F.3d 1099, 1105-06 (8th Cir. 2004)
- Arizona v. Gant, 556 U.S. 332, 338 (2009)
- Chimel v. California, 395 U.S. 752, 763 (1969)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)

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