

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Garry Teixeira, individually and as guardian on behalf of Jane Doe
and John Doe v. Prince George’s County Board of Education,
Lakeisha Strother, in her official capacity and individual capacity,
and Jane/John Does

Civil Action No. 25-1420-TDC (D. Md. Dec. 31, 2025) · No. Civil Action No. 25-1420-TDC · Decided
December 31, 2025

SUMMARY

This is a memorandum opinion from the United States District Court for the District of Maryland concerning claims arising from repeated bullying and assaults of two students at a public middle school and on a school bus. The court addresses claims under 42 U.S.C. § 1983, the Maryland Declaration of Rights, and Maryland tort law, including negligent supervision. The court grants in part and denies in part the defendants’ motion to dismiss; the excerpt states that the federal constitutional and state constitutional claims are dismissed, while the negligent-supervision analysis proceeds.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Theodore D. Chuang
JURISDICTION	United States District Court for the District of Maryland
DECIDED	December 31, 2025
DOCKET	Civil Action No. 25-1420-TDC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint. The court granted the motion in part and denied it in part.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes them in the plaintiff’s favor, and determines whether the complaint alleges sufficient facts to state a plausible claim for relief. Legal conclusions and conclusory statements are insufficient.
PRECEDENTIAL VALUE	unknown

PARTIES

Garry Teixeira, individually and as guardian on behalf of Jane Doe and John Doe v. Prince George's County Board of Education, Lakeisha Strother, in her official capacity and individual capacity, Jane/John Does

TOPICS

section 1983

substantive due process

negligent supervision

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

constitutional law

education law

torts

civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged a Fourth Amendment violation based on school personnel's conduct.
2. Whether the amended complaint plausibly alleged a Fourteenth Amendment substantive due process violation under the state-created-danger or special-relationship theories.
3. Whether the Maryland Declaration of Rights claims under Articles 24 and 26 were adequately pleaded.
4. Whether the amended complaint plausibly alleged negligent supervision against the school board.
5. Whether the alleged inaction by school personnel plausibly constituted intentional infliction of emotional distress.
6. Whether recording and publicly posting a video of an assault in a school cafeteria plausibly constituted intrusion upon seclusion.

HOLDINGS

1. The amended complaint failed to state a Fourth Amendment claim because it did not allege that Strother or other school personnel conducted a search or seizure of either child or the children's property. The alleged seizure of Jane Doe's possessions by students did not implicate the Fourth Amendment because the students were not state actors.
2. The amended complaint failed to state a substantive due process claim against Strother because the alleged failures to prevent, investigate, or deter bullying were omissions rather than affirmative acts that created or increased the danger to the children.
3. The Articles 24 and 26 claims failed for the same reasons as the corresponding federal due process and Fourth Amendment claims.
4. The amended complaint plausibly alleged negligent supervision against the Board, and the motion to dismiss Count 4 was denied.
5. The amended complaint failed to plausibly allege that the Board's or Strother's inaction constituted intentional or reckless, extreme, and outrageous conduct, so Count 5 was dismissed.

6. The amended complaint failed to state an intrusion-upon-seclusion claim because the assault and recording occurred in a public school cafeteria rather than a private place or seclusion.

KEY QUOTATIONS

“As a general matter . . . a State’s failure to protect an individual against private violence simply does not constitute a violation of the Due Process Clause.” (at 10)

“must show that the state actor created or increased the risk of private danger, and did so directly through affirmative acts, not merely through inaction or omission.” (at 11)

“The Court recognizes that, based on the allegations, there is a fair argument that KMS’s repeated failures to investigate and take steps to curtail the bullying contributed to the danger posed to John Doe and Jane Doe.” (at 12)

“to exercise reasonable care to protect a pupil from harm.” (at 14)

“There is no liability for observing [a person] in public places since he is not then in seclusion.” (at 18)

FACTUAL BACKGROUND

Garry Teixeira alleged that his two minor children were subjected to at least twelve incidents of bullying, physical assault, harassment, and threats at a Prince George’s County middle school and on a school bus between October 2021 and September 2023. He alleged that school personnel repeatedly received reports of the incidents, failed to meaningfully investigate or prevent further incidents, and sometimes failed to intervene while assaults occurred. The alleged bullying caused physical injuries, emotional distress, anxiety, depression, and suicidal thoughts, including an attempted suicide by Jane Doe. Teixeira asserted constitutional claims against the principal and state-law claims against the school board and the principal.

PROCEDURAL HISTORY

Teixeira filed a notice of claims under the Maryland Local Government Tort Claims Act in June 2023. After more than six months without resolution, he filed the original complaint in the Circuit Court for Prince George’s County on March 26, 2025. Defendants removed the action to federal court, and Teixeira filed the operative amended complaint asserting federal constitutional, state constitutional, and Maryland tort claims. The district court resolved Defendants’ Rule 12(b)(6) motion.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Albright v. Oliver, 510 U.S. 266, 268 (1994)
- Lambeth v. Board of Commissioners of Davidson County, 407 F.3d 266, 268 (4th Cir. 2005)
- West v. Atkins, 487 U.S. 42, 48 (1988)

- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)
- United States v. Jones, 31 F.3d 1304, 1309 (4th Cir. 1994)
- Burdeau v. McDowell, 256 U.S. 465, 475 (1921)
- Doe v. Rosa, 795 F.3d 429, 436-42 (4th Cir. 2015)
- DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189, 193, 195-97 (1989)
- Pinder v. Johnson, 54 F.3d 1169, 1174-77 (4th Cir. 1995) (en banc)
- Stevenson ex rel. Stevenson v. Martin County Board of Education, 3 F. App'x 25, 31 (4th Cir. 2001)
- Doe v. Hillsboro Independent School District, 113 F.3d 1412, 1415 (5th Cir. 1997) (en banc)
- D.R. v. Middle Bucks Area Vocational Technical School, 972 F.2d 1364, 1372 (3d Cir. 1992) (en banc)
- Graves v. Lioi, 930 F.3d 307, 319-20 (4th Cir. 2019)
- Callahan v. North Carolina Department of Public Safety, 18 F.4th 142, 147-48 (4th Cir. 2021)
- Burns-Fisher v. Romero-Lehrer, 57 F.4th 421, 423, 425 (4th Cir. 2023)
- Pitsenberger v. Pitsenberger, 410 A.2d 1052, 1056 (Md. 1980)
- Scott v. State, 782 A.2d 862, 873 & n.2 (Md. 2001)
- Horridge v. St. Mary's County Department of Social Services, 854 A.2d 1232, 1237 (Md. 2004)
- Evans v. Morsell, 395 A.2d 480, 483 (Md. 1978)
- Mitchell v. Rite Aid of Maryland, Inc., 290 A.3d 1125, 1160 (Md. Ct. Spec. App. 2023)
- Gambrill v. Board of Education of Dorchester County, 281 A.3d 876, 881-85, 899-905 (Md. 2022)
- Lunsford v. Board of Education of Prince George's County, 374 A.2d 1162, 1168 (Md. 1977)
- Harris v. Jones, 380 A.2d 611, 614 (Md. 1977)
- McPherson v. Baltimore Police Department, 494 F. Supp. 3d 269, 286 (D. Md. 2020)
- Furman v. Sheppard, 744 A.2d 583, 585-86 (Md. Ct. Spec. App. 2000)
- Pemberton v. Bethlehem Steel Corp., 502 A.2d 1101, 1116-17 (Md. Ct. Spec. App. 1986)