

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS

Stephen A. Buesing v. Unknown Layton et al.

Buesing · No. 6:25-cv-00277 · Decided February 25, 2026

SUMMARY

The United States District Court for the Eastern District of Texas overruled a pro se prisoner’s objections to a magistrate judge’s recommendation to dismiss his 42 U.S.C. § 1983 action. The court held that the amended complaint alleged, at most, unsuccessful medical treatment, negligence, malpractice, and treatment delays insufficient to establish deliberate indifference under the Eighth Amendment. Federal claims were dismissed with prejudice for failure to state a claim, and state-law claims were dismissed without prejudice for lack of pendent jurisdiction.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas
WRITING FOR THE COURT	Barker
JURISDICTION	United States District Court for the Eastern District of Texas
DECIDED	February 25, 2026
DOCKET	6:25-cv-00277
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation that his amended prisoner civil-rights complaint be dismissed for failure to state a claim. The district court reviewed the objections and the objected-to portions of the report de novo.
STANDARD OF REVIEW	The district court reviews properly specific objections to a magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3). Improper or general objections require only review for clear error on the face of the record.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Stephen A. Buesing v. Unknown Layton et al.

TOPICS

section 1983

prisoners rights

motions to dismiss

civil procedure

cruel and unusual punishment

PRACTICE AREAS

prisoner civil rights

constitutional torts

federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should dismiss the amended pro se complaint with prejudice after plaintiff had already received one opportunity to amend.
2. Whether a pro se prisoner was entitled to a Spears hearing before dismissal.
3. Whether the magistrate judge improperly relied on prison records when evaluating the complaint.
4. Whether the alleged unsuccessful treatment, negligence, medical malpractice, and delays in medical treatment stated an Eighth Amendment deliberate-indifference claim under 42 U.S.C. § 1983.
5. Whether the court should retain pendent jurisdiction over the state-law claims after dismissing the federal claims.

HOLDINGS

1. Dismissal with prejudice was proper because plaintiff had already been given an opportunity to amend, repeatedly asserted that his amended complaint adequately pleaded deliberate indifference, and therefore had pleaded his best case; further amendment would be futile.
2. A pro se prisoner has no right or expectation to a Spears hearing when the court can determine from the complaint alone whether a claim has been stated.
3. The amended complaint failed to state an Eighth Amendment deliberate-indifference claim because allegations of unsuccessful treatment, negligence, medical malpractice, disagreement with treatment, and the described treatment delays did not establish deliberate indifference.
4. The state-law claims were dismissed without prejudice for lack of pendent jurisdiction after dismissal of the federal claims.

KEY QUOTATIONS

“However, the “objections must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court.”” (Order at 1)

“Furthermore, even a pro-se complaint “must set forth facts giving rise to a claim on which relief may be granted.”” (Order at 2)

“Unsuccessful medical treatment, acts of negligence, or medical malpractice do not constitute deliberate indifference, nor does a prisoner’s disagreement with his medical treatment, absent exceptional circumstances.” (Order at 3)

“Plaintiff’s federal claims are dismissed with prejudice for failure to state a claim. Plaintiff’s state law claims are dismissed without prejudice for lack of pendent jurisdiction.” (Order at 4)

FACTUAL BACKGROUND

Buesing alleged that prison officials were deliberately indifferent to his medical needs following an injury. The amended complaint alleged unsuccessful treatments, negligence or medical malpractice, delays in transport to a hospital and in seeing an orthopedic specialist, and ultimately surgery. The court found that he received continuous medical care from the date of injury through surgery and had not pleaded facts showing that defendants knowingly disregarded a substantial risk of serious harm.

PROCEDURAL HISTORY

Buesing, a Texas Department of Criminal Justice prisoner proceeding pro se and in forma pauperis, filed a civil-rights action under 42 U.S.C. § 1983 and was previously given one opportunity to amend. A magistrate judge recommended dismissal for failure to state a claim. After reviewing Buesing's objections, the district court accepted the report and recommendation, dismissed the federal claims with prejudice, dismissed the state-law claims without prejudice for lack of pendent jurisdiction, and denied pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Vettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. Unit B 1982) (en banc)
- Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996) (en banc)
- Cupit v. Whitley, 28 F.3d 532, 535 & n.5 (5th Cir. 1994)
- Savage v. Westcott, 152 F.4th 687, 692 (5th Cir. 2025)
- Dougherty v. U.S. Department of Homeland Security, No. 22-40665, 2023 WL 6123106, at *6 (5th Cir. Sept. 19, 2023) (per curiam)
- Johnson v. Atkins, 999 F.2d 99, 100 (5th Cir. 1993) (per curiam)
- Jacquez v. Procunier, 801 F.2d 789, 793 (5th Cir. 1986)
- Simpson v. Gusman, No. 2:06-cv-05750, 2008 WL 2789057, at *1-*2 (E.D. La. July 16, 2008)
- Green v. McKaskle, 788 F.2d 1116, 1119 (5th Cir. 1986)
- Gobert v. Caldwell, 463 F.3d 339, 346 (5th Cir. 2006)
- Wesley v. Neal, No. 5:22-cv-00078, 2024 WL 1506839, at *7-*8 (E.D. Tex. Feb. 2, 2024)
- Wesley v. Neal, 2024 WL 911720 (E.D. Tex. Mar. 4, 2024)
- Chapman v. Pace, 353 F. App'x 955, 956-57 (5th Cir. 2009) (per curiam)
- Wilson v. Grimes, 770 F. App'x 218, 219 (5th Cir. 2019) (per curiam)
- Farmer v. Brennan, 511 U.S. 825, 835-36 (1994)

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