

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Steven C. Green v. Seminole Police Department and Seminole County
Sheriff's Department

Green · No. 25-CV-393-DES · Decided February 11, 2026

SUMMARY

The court granted the Seminole Police Department’s motion to dismiss and motion to strike in Steven C. Green’s civil-rights action. The court held that the complaint failed to state a plausible claim under 42 U.S.C. § 1983, did not allege a municipal policy or custom, and did not establish proper service or jurisdiction. The court also dismissed claims against the Seminole County Sheriff’s Office sua sponte and terminated the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	D. Edward Snow
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	February 11, 2026
DOCKET	25-CV-393-DES
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a civil-rights complaint under circumstances suggesting a claim under 42 U.S.C. § 1983. The case was transferred from the Western District of Oklahoma to the Eastern District of Oklahoma. Defendants moved to dismiss for insufficient service under Federal Rule of Civil Procedure 4 and failure to state a claim under Rule 12(b) (6); plaintiff did not respond. Plaintiff later filed an amended complaint without leave and defendants moved to strike it.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the complaint contains sufficient factual matter to state a claim that is plausible on its face, accepting the pleaded facts for purposes of the motion but disregarding conclusory assertions. The court also reviewed service under Rule 4 and considered sua sponte dismissal under 28 U.S.C. § 1915(e)(2)(B).

TOPICS

motions to dismiss

service of process

personal jurisdiction

section 1983

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal liability

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under Rule 12(b)(6), including a cognizable § 1983 claim against the municipal defendants.
2. Whether plaintiff's personal service of the summons violated Federal Rule of Civil Procedure 4(c)(2) and deprived the court of personal jurisdiction.
3. Whether plaintiff's amended complaint, filed without leave of court, should be stricken and whether it cured the pleading and service deficiencies.
4. Whether the court could sua sponte dismiss the claims against the Seminole County Sheriff's Office as legally deficient and futile to amend.

HOLDINGS

1. The complaint failed to state a plausible claim because it contained only conclusory assertions, did not identify a specific constitutional right allegedly violated, and did not provide facts sufficient to give defendants fair notice of the claims and their grounds.
2. The complaint failed to state a § 1983 claim against the municipal defendants because it did not allege that a municipal policy or custom caused the asserted injury.
3. Service was ineffective because plaintiff personally served the summons and signed the proof of service, contrary to Rule 4(c)(2)'s requirement that service be made by a person who is at least eighteen years old and not a party.
4. The amended complaint was properly stricken because plaintiff filed it without leave of court as required by Rule 15 and the local rules, and it did not cure the substantive pleading or service defects.
5. Sua sponte dismissal of the claims against the Seminole County Sheriff's Office was appropriate because the claims were patently deficient, legally frivolous, and incapable of being cured by amendment.

KEY QUOTATIONS

“On a Motion to Dismiss, the court must decide whether Plaintiff has alleged “enough facts to state a claim of relief that is plausible on its face.””

“It is not enough for the plaintiff to plead facts “merely consistent” with the defendant’s liability – “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.””

“The Complaint contains no factual allegations identifying a specific constitutional right allegedly violated, no facts showing that Defendant acted under color of the law, and no allegations of a municipal policy or custom sufficient to support liability under § 1983.”

FACTUAL BACKGROUND

Plaintiff alleged that he was harassed and racially profiled by an unnamed Seminole Police Officer, but he did not identify a specific constitutional right that was violated or explain how either defendant acted under color of state law. He did not allege a municipal policy or custom, including a failure-to-train or failure-to-supervise theory, supporting liability under § 1983. Plaintiff personally served the summons, signing the proof of service himself. His amended complaint added an amount in controversy but continued to rely on conclusory allegations and did not cure the service defect.

PROCEDURAL HISTORY

Plaintiff filed his complaint on July 11, 2025, initially in the Western District of Oklahoma. The matter was transferred to the Eastern District because the alleged events appeared to have occurred in Seminole County. Defendants moved to dismiss, and plaintiff filed an amended complaint without obtaining leave of court. The court granted the motion to dismiss, granted the motion to strike, sua sponte dismissed the claims against the Seminole County Sheriff's Office, and terminated the action.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- National Collegiate Athletic Association v. Tarkanian, 488 U.S. 179, 191 (1988)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 694 (1978)
- Waller v. City & County of Denver, 932 F.3d 1277, 1283 (10th Cir. 2019)
- Omni Capital International, Ltd. v. Rudolf Wolff & Co., Ltd., 484 U.S. 97, 104 (1987)
- Reading v. United States, 506 F. Supp. 2d 13 (D.D.C. 2007)
- McKinney v. State of Oklahoma, 925 F.2d 363, 364 (10th Cir. 1991)
- Hall v. Bellmon, 935 F.2d 1106, 1108 (10th Cir. 1991)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Lonsdale v. United States, 919 F.2d 1440, 1448 (10th Cir. 1990)