

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

Brett Steven Hansel v. Shila Hemby, et al.

Hansel · No. 4:25-CV-504-RWS-JBB · Decided March 18, 2026

SUMMARY

The United States District Court for the Eastern District of Texas adopts a magistrate judge’s Report and Recommendation concerning several motions to dismiss in Brett Steven Hansel’s civil rights action. The court dismisses constitutional claims against the Texas Department of Family and Protective Services and certain defendants in their official capacities based on Eleventh Amendment immunity, and dismisses other claims against Kristen Hansel and Whitney Spraggins on grounds including failure to state a claim, untimeliness, and witness immunity. The court denies the defendants’ requests for attorney’s fees and costs.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
WRITING FOR THE COURT	Robert W. Schroeder III
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	March 18, 2026
DOCKET	4:25-CV-504-RWS-JBB
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation addressing several motions to dismiss. No objections were filed, and the district court adopted the Report and Recommendation after reviewing the pleadings and recommendation.
STANDARD OF REVIEW	Because no objections were filed, the district court did not conduct de novo review and reviewed the unobjected-to findings and conclusions for clear error, abuse of discretion, and whether they were contrary to law. Appellate review of unobjected-to findings and conclusions is generally limited to plain error.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Brett Steven Hansel v. Shila Hemby, Texas Department of Family and Protective Services, Davietta Green, Kristen Hansel, Whitney Spraggins, Tina Harris

TOPICS

motions to dismiss

subject matter jurisdiction

section 1983

sovereign immunity

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the Report and Recommendation should be adopted where no party filed objections.
2. Whether Eleventh Amendment immunity barred Plaintiff's constitutional claims against the Texas Department of Family and Protective Services and Davietta Green and Shila Hemby in their official capacities.
3. Whether claims against Kristen Hansel in her official and individual capacities should be dismissed under Rule 12(b)(1) or Rule 12(b)(6).
4. Whether absolute witness immunity barred Plaintiff's § 1983 claims based on Whitney Spraggins's testimony at custody-related court hearings.
5. Whether the defendants were entitled to attorney's fees and costs.

HOLDINGS

1. When no objections are filed, the district court need not conduct de novo review of the magistrate judge's findings, conclusions, and recommendations, and unobjected-to matters are reviewed for clear error, abuse of discretion, or whether they are contrary to law.
2. Eleventh Amendment immunity jurisdictionally barred Plaintiff's constitutional claims against the Texas Department of Family and Protective Services and against Davietta Green and Shila Hemby in their official capacities.
3. Claims against Kristen Hansel based on actions taken in her official capacity as a DFPS employee were dismissed without prejudice under Rule 12(b)(1), while remaining official-capacity claims based on actions outside that capacity were dismissed with prejudice under Rule 12(b)(6) for failure to allege the essential elements for municipal liability under § 1983. Individual-capacity claims were dismissed with prejudice as time-barred and/or for failure to state a claim.
4. Whitney Spraggins was entitled to absolute witness immunity from § 1983 claims based on her testimony at the December 2024 and May 2025 court hearings concerning the underlying custody matter.

KEY QUOTATIONS

“where no objections to a magistrate judge’s report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”” (at 2)

“Plaintiff’s constitutional claims against Defendant Texas Department of Family and Protective Services and Defendants Davietta Green and Shila Hemby in their official capacities are jurisdictionally barred by Eleventh Amendment immunity” (at 3)

FACTUAL BACKGROUND

Plaintiff asserted constitutional claims under 42 U.S.C. § 1983 against the Texas Department of Family and Protective Services and several individuals arising from an underlying custody matter. The claims included challenges involving actions taken in official and individual capacities and testimony given by Whitney Spraggins at December 2024 and May 2025 custody-related hearings. The court also addressed claims against Kristen Hansel based on alleged actions as a DFPS employee and determined that claims against her were time-barred and/or failed to state a claim.

PROCEDURAL HISTORY

The action was referred to United States Magistrate Judge J. Boone Baxter under 28 U.S.C. § 636. The magistrate judge recommended granting or partially granting several Rule 12(b)(1) and Rule 12(b)(6) motions. The district court found the recommendation correct, adopted it, dismissed specified claims with or without prejudice, and denied requests for attorney's fees and costs. Tina Harris had previously been voluntarily dismissed without prejudice and terminated as a party.

DISPOSITION

other

CASES CITED

- Duarte v. City of Lewisville, 858 F.3d 348, 352 (5th Cir. 2017)
- Arriaga v. Laxminarayan, No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021)
- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION BRETT STEVEN HANSEL, § § Plaintiff, § § v. § CIVIL ACTION NO. 4:25-CV-504-RWS-JBB § SHILA HEMBY, et al., § § Defendants. § ORDER The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge J. Boone Baxter pursuant to 28 U.S.C. § 636.

The March 2, 2026 Report and Recommendation of the Magistrate Judge (Docket No. 112), which contains his proposed findings of fact and recommendations for the disposition of several motions to dismiss, has been presented for consideration.

The Magistrate Judge recommends Defendants Department of Family and Protective Services, Green, Harris,¹ and Hemby's Motion to Dismiss (Docket No. 60) be granted and that Plaintiff's constitutional claims against Defendant Texas Department of Family and Protective Services and Defendants Davietta Green and Shila Hemby in their official capacities be dismissed without prejudice and without leave to amend as jurisdictionally barred by Eleventh Amendment immunity.

Docket No. 112 at 66–67. The Magistrate Judge further recommends that Defendant Kristen Hansel's Rule 12(b)(1) and Rule 12(b)(6) Motion to Dismiss (Docket No. 59) be granted in part and denied in part. Docket No. 112 at 67.

Finally, the Magistrate Judge recommends that 1 On July 30, 2025, the Court granted Plaintiff's Motion for Voluntary Dismissal Without Prejudice as to Defendant Tina Harris. Docket No. 81. The claims against Harris have been dismissed without prejudice, and Harris has been terminated as a party to the above case. *Id.* Defendant Whitney Spraggins's Motion to Dismiss Pursuant to Fed.

R. Civ. P. 12(b)(1) and 12(b)(6) (Docket No. 50) be granted in part and denied in part. Docket No. 112 at 67. No objections to the Report and Recommendation have been filed.² Because no objections have been filed, any aggrieved party is barred from de novo review by the District Court of the Magistrate Judge's findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court.

See *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021). The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct.

See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Accordingly, it is ORDERED that Defendants Department of Family and Protective Services, Green, Harris, and Hemby's Rule 12(b)(1) Motion to Dismiss (Docket No. 60) is GRANTED. Plaintiff's constitutional claims against Defendant Texas Department of Family and Protective Services and Defendants Davietta Green and Shila Hemby in their official capacities are jurisdictionally barred by Eleventh Amendment immunity and are DISMISSED WITHOUT PREJUDICE and without leave to amend.

It is further 2 Plaintiff received a copy of the Report and Recommendation on March 2, 2026 via electronic notification. See Docket No. 4. ORDERED that Defendant Kristen Hansel's Rule 12(b)(1) and Rule 12(b)(6) Motion to Dismiss (Docket No. 59) is GRANTED-IN-PART and DENIED-IN-PART.

To the extent Plaintiff sues Kristen Hansel for actions taken in her official capacity as an employee of DFPS, such claims are DISMISSED WITHOUT PREJUDICE under Rule 12(b)(1); any remaining official capacity claims against Kristen Hansel for actions taken outside her official capacity as an employee of DFPS are DISMISSED WITH PREJUDICE under Rule 12(b)(6) for failure to allege the essential elements for municipal liability under § 1983.

Plaintiffs claims against Kristen Hansel in her individual capacity are DISMISSED WITH PREJUDICE pursuant to Rule 12(b)(6) as time-barred and/or for failure to state a claim. Kristen Hansel's request for attorney's fees and costs is denied. It is further ORDERED that Defendant Whitney Spraggins's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Docket No. 50) is GRANTED-IN-PART and DENIED-IN-PART.

To the extent Plaintiff's claims are based upon Spraggins's testimony at the December 2024 and May 2025 court hearings related to the underlying custody matter, Spraggins is entitled to absolute witness immunity against those § 1983 claims, and those claims are DISMISSED WITHOUT PREJUDICE pursuant to Rule 12(b)(1). Plaintiff's remaining claims against Spraggins for her out-of-court actions are DISMISSED WITH PREJUDICE pursuant to Rule 12(b)(6) as time- barred and/or for failure to state a claim.

Spraggins's request for attorney's fees and costs is denied. So ORDERED and SIGNED this 18th day of March, 2026. focher t+ LU Clrrwechs. G2. ROBERT W. SCHROEDER III UNITED STATES DISTRICT JUDGE Page 3 of 3