

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PRECEDENTIAL VALUE	unpublished district court order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)