

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, ABERDEEN DIVISION

Rebecca Lynn Bumgardner v. Sheriff Eddie Hawkins, et al.

Bumgardner · No. 1:24CV153-SA-JMV · Decided February 5, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi addresses Rebecca Lynn Bumgardner’s pro se 42 U.S.C. § 1983 and § 1985 claims concerning arrests, detention, alleged retaliation, seizure of a cellular phone, due process, conspiracy, and malicious prosecution. The court grants her motions to amend, dismisses the motion to extend as moot, and dismisses the action with prejudice for failure to state a claim, while dismissing certain traffic-stop and property-related claims on stated alternative grounds.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Aberdeen Division
WRITING FOR THE COURT	Sharion Aycock
JURISDICTION	United States District Court for the Northern District of Mississippi, Aberdeen Division
DECIDED	February 5, 2026
DOCKET	1:24CV153-SA-JMV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner brought claims under 42 U.S.C. §§ 1983 and 1985 concerning arrests, detention, seizure of a cellular phone, alleged retaliation, due process, conspiracy, and malicious prosecution. The court ordered plaintiff to show cause why the action should not be dismissed for failure to state a claim, granted her motions to amend, considered the proposed amended complaint, and dismissed the action.
STANDARD OF REVIEW	Dismissal for failure to state a claim under the pleading standard applicable to 42 U.S.C. § 1983; conclusory allegations and unsupported legal conclusions are insufficient.
PRECEDENTIAL VALUE	unpublished district-court memorandum opinion; precedential status unknown

PARTIES

Rebecca Lynn Bumgardner v. Sheriff Eddie Hawkins, Jeff Edmondson, Emily Konoir, Mark McGarity, Lance Luckey, Kevin Pevey, Marie Halthorn, Colleen Huson, Lowndes County, other defendants

TOPICS

section 1983 prisoners rights fourth amendment probable cause procedural due process

PRACTICE AREAS

civil rights constitutional law criminal procedure prisoner litigation remedies

QUESTIONS PRESENTED

1. Whether the complaint adequately alleged that the August 24, 2022 traffic stop, arrest, search, detention, and seizure of Bumgardner's cellular phone violated the Fourth Amendment.
2. Whether probable cause supported Bumgardner's arrest and detention for witness intimidation.
3. Whether probable cause supported the retaliation-against-a-public-servant charge and whether Bumgardner suffered legally cognizable harm from that charge.
4. Whether the alleged prosecutions constituted retaliation for recording officers and posting critical videos online.
5. Whether Bumgardner was denied due process by not being transported to grand-jury proceedings or receiving a preliminary hearing after indictment.
6. Whether the alleged conspiracies under 42 U.S.C. § 1985 could proceed absent an underlying constitutional violation.
7. Whether the alleged taking of Bumgardner's cellular phone was actionable under the Due Process Clause despite an adequate state-law remedy.
8. Whether the malicious-prosecution claim could proceed where probable cause supported the challenged charges.

HOLDINGS

1. The complaint's bare assertions that Bumgardner was searched, seized, arrested, and deprived of her phone without a warrant or probable cause failed to state a claim because she did not plead facts concerning the basis for the stop, the search, the arrest, or the seizure.
2. Probable cause supported Bumgardner's arrest for witness intimidation and the resulting revocation of her bond on the methamphetamine charges.
3. The retaliation charge was supported by probable cause because two officers reported that Bumgardner threatened to kill Investigator Edmondson, and the grand-jury indictment conclusively established probable cause absent a facial defect. Bumgardner also failed to show harm attributable to that charge because she was already detained on the methamphetamine charges.

4. Bumgardner was not entitled to notice of or attendance at grand-jury proceedings, and she was not entitled to a preliminary hearing after she had been indicted on the retaliation charge.
5. The retaliation claim failed because Bumgardner did not plead facts sufficient to infer retaliatory motive or causation, and probable cause supported the challenged prosecutions.
6. The cellular-phone deprivation claim was barred by the Parratt/Hudson doctrine because Mississippi law provided an adequate post-deprivation remedy.
7. The § 1985 conspiracy claims failed because Bumgardner did not establish an underlying constitutional violation, and the malicious-prosecution claim failed because probable cause supported the challenged proceedings.

KEY QUOTATIONS

“For the reasons set forth below, the instant case will be dismissed with prejudice for failure to state a claim upon which relief could be granted.” (Conclusion)

“The Constitution does not guarantee that only the guilty will be arrested. If it did, § 1983 would provide a cause of action for every defendant acquitted – indeed, for every suspect released.” (Probable Cause section)

FACTUAL BACKGROUND

Bumgardner alleged that officers stopped, searched, arrested, and seized her cellular phone during an August 24, 2022 traffic stop, and that she later posted body-camera footage and criticism of the sheriff's department on YouTube. She was arrested on November 22, 2022 for witness intimidation based on witness statements, a police report, photographs, and examination of an alleged injury; the arrest led to revocation of her bond on separate methamphetamine charges and continued pretrial detention. She was later indicted for retaliation against a public servant based on statements by two officers, but that charge was dismissed. The court found that the allegations concerning the traffic stop were skeletal, while the evidence supported probable cause for the witness-intimidation and retaliation charges.

PROCEDURAL HISTORY

Bumgardner filed a prisoner civil-rights complaint challenging events surrounding several arrests and criminal charges. After the court issued a show-cause order, she moved to amend twice and to extend the response deadline. The court granted the amendment motions, denied the extension motion as moot, and dismissed the case with prejudice for failure to state a claim, while stating that the allegations concerning the August 24, 2022 traffic stop, arrest, and phone seizure were dismissed without prejudice.

DISPOSITION

dismissed

CASES CITED

- Williams v. Henagan, 595 F.3d 610 (5th Cir.)
- Moore v. Estelle, 526 F.2d 690, 694 (5th Cir.)

- Buckenberger v. Reed, 342 F. App'x 58, 64 (5th Cir.)
- Arnaud v. Odom, 870 F.2d 304, 307 (5th Cir.)
- Young v. Biggers, 938 F.2d 565, 569 (5th Cir.)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Parratt v. Taylor, 451 U.S. 527, 541-44 (1981)
- Daniels v. Williams, 474 U.S. 327, 330-31 (1986)
- Martin v. Dallas County, Tex., 822 F.2d 553, 555 (5th Cir.)
- Pickering v. Langston Law Firm, P.A., 88 So. 3d 1269 (Miss. 2012)
- Bishop v. Reagans, 2012 WL 1804623 (S.D. Miss. May 17, 2012)
- Johnson v. King, 85 So. 3d 307, 311-12 (Miss. Ct. App. 2012)
- Duckett v. Cedar Park, 950 F.2d 272, 278 (5th Cir.)
- Eugene v. Alief Independent School District, 65 F.3d 1299, 1305 (5th Cir.)
- Baker v. McCollan, 443 U.S. 137, 143-45 (1979)
- Kaley v. United States, 571 U.S. 320, 328 (2014)
- United States v. Gibson, No. 22-40313, 2025 WL 1355422, at *2 (5th Cir. May 9, 2025)
- Berger v. United States, 295 U.S. 78, 88 (1935)
- Rothgery v. Gillespie County, Texas, 554 U.S. 191, 198 (2008)
- Morris v. Powell, 449 F.3d 682, 684-85 (5th Cir.)
- Woods v. Smith, 60 F.3d 1161, 1166 (5th Cir.)
- Winding v. Grimes, 2010 WL 706515, at *3 (S.D. Miss. Feb. 22, 2010)
- Davis v. Kelly, 2012 WL 3544865, at *4
- Jones v. Greninger, 188 F.3d 322, 325 (5th Cir.)
- Enplanar, Inc. v. Marsh, 11 F.3d 1284, 1296 (5th Cir.)
- Serio v. Members of Louisiana State Board of Pardons, 821 F.2d 1112, 1114 (5th Cir.)
- Woods v. Edwards, 51 F.3d 577, 580 (5th Cir.)
- Whittington v. Lynaugh, 842 F.2d 818, 819 (5th Cir.)
- Decker v. McDonald, 2010 WL 1424322 (E.D. Tex. Jan. 11, 2010)