

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, AUSTIN DIVISION

Wije v. United States of America

No. 1:25-CV-1376-DAE (W.D. Tex. Dec. 18, 2025) · No. 1:25-CV-1376-DAE · Decided December 18, 2025

SUMMARY

The United States District Court for the Western District of Texas adopted a magistrate judge’s report and recommendation and dismissed Suran Wije’s claims against the United States with prejudice as frivolous under 28 U.S.C. § 1915(e)(2)(B). The court held that the Federal Tort Claims Act claims were not based on applicable state-law liability and were barred by the discretionary-function exception. The court also imposed a pre-filing injunction barring Wije from filing related pro se, in forma pauperis actions in the district without written leave.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Austin Division
WRITING FOR THE COURT	David Alan Ezra
JURISDICTION	United States District Court for the Western District of Texas, Austin Division
DECIDED	December 18, 2025
DOCKET	1:25-CV-1376-DAE
DISPOSITION	affirmed
PROCEDURAL POSTURE	District court review of magistrate judge's report and recommendation on initial screening of pro se in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	De novo review for objected-to portions of Report; clear error review for unobjected-to portions.
PRECEDENTIAL VALUE	unpublished

TOPICS

- federal employment law
- civil rights
- subject matter jurisdiction
- motions to dismiss
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff's FTCA claims against the United States are barred by the discretionary function exception under 28 U.S.C. § 2680(a)
2. Whether plaintiff's FTCA claims fail because they are not based on state law liability as required under 28 U.S.C. § 1346(b)
3. Whether a pre-filing injunction should be imposed against plaintiff

HOLDINGS

1. Plaintiff's FTCA claims are barred by the discretionary function exception because the EEOC's decisions to investigate claims and issue right-to-sue letters involve discretion grounded in governmental policy, and plaintiff failed to allege any specific nondiscretionary duty imposed on the EEOC.
2. Plaintiff's FTCA claims fail because they are not based on any 'law of the place' (Texas law) under which the United States would be liable as a private person.
3. A pre-filing injunction is warranted barring plaintiff from filing future pro se and in forma pauperis actions relating to employment with a University without written leave from a judge.

KEY QUOTATIONS

“a federal agent's failure to fulfill duties imposed upon him solely by federal statute cannot stand alone as a basis for suit under the FTCA.”

“When established governmental policy, as expressed or implied by statute, regulation, or agency guidelines, allows a Government agent to exercise discretion, it must be presumed that the agent's acts are grounded in policy when exercising that discretion.”

FACTUAL BACKGROUND

Plaintiff Suran Wije filed suit against the United States alleging FTCA claims based on the EEOC's alleged failure to prevent employment discrimination and retaliation related to his employment with the University of Texas in 2005 and subsequent job applications. This was at least his third pro se, in forma pauperis case challenging the end of his employment at the University of Texas over 20 years ago.

PROCEDURAL HISTORY

Plaintiff filed complaint pro se and in forma pauperis. Magistrate Judge Mark Lane issued Report and Recommendation recommending dismissal as frivolous under 28 U.S.C. § 1915(e). Plaintiff objected and filed multiple supplements. District court conducted de novo review of objections and clear error review of unobjected portions.

DISPOSITION

affirmed

CASES CITED

- Freeman v. United States, 556 F.3d 326 (5th Cir. 2009)
- Tsolmon v. United States, 841 F.3d 378 (5th Cir. 2016)
- Coleman v. United States, 912 F.3d 824 (5th Cir. 2019)
- F.D.I.C. v. Meyer, 510 U.S. 471 (1994)
- Campos v. United States, 888 F.3d 724 (5th Cir. 2018)
- United States v. Gaubert, 499 U.S. 315 (1991)
- Berkovitz by Berkovitz v. United States, 486 U.S. 531 (1988)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Battle v. U.S. Parole Comm'n, 834 F.2d 419 (5th Cir. 1987)
- United States v. Wilson, 864 F.2d 1219 (5th Cir. 1989)
- United States v. S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines), 467 U.S. 797 (1984)
- Roberts v. Laredo Indep. Sch. Dist., No. L-06-CV-79, 2007 WL 9761656 (S.D. Tex. Aug. 21, 2007)
- United States v. Allegheny-Ludlum Indus., Inc., 517 F.2d 826 (5th Cir. 1975)
- E.E.O.C. v. Hearst Corp., 103 F.3d 462 (5th Cir. 1997)
- Nix v. Major League Baseball, 62 F.4th 920 (5th Cir. 2023)
- Baum v. Blue Moon Ventures, 513 F.3d 181 (5th Cir. 2008)
- Wije v. Burns, 1:16-CV-1179-SS
- Wije v. University of Texas, 1:24-CV-809-DAE
- Wije v. United States, 1:19-CV-660-RP