

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Gina K. Seabrook, f/k/a Gina K. Covington v. Pete Hegseth,
Secretary of Department of War

Seabrook · No. 2:25-cv-01133 · Decided December 30, 2025

SUMMARY

The United States District Court for the District of Utah screens a pro se plaintiff’s Bivens complaint under 28 U.S.C. § 1915 and Federal Rule of Civil Procedure 12(b)(6). The court concludes that the complaint does not identify a constitutional violation, the capacity in which the defendant is sued, or specific actionable conduct by the defendant. The court permits the plaintiff to file an amended complaint by January 19, 2026.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Dustin B. Pead
JURISDICTION	United States District Court for the District of Utah
DECIDED	December 30, 2025
DOCKET	2:25-cv-01133
DISPOSITION	other
PROCEDURAL POSTURE	The court screened Plaintiff's pro se complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), applying the Federal Rule of Civil Procedure 12(b)(6) plausibility standard, and found that the complaint failed to state a plausible Bivens claim. Rather than dismissing immediately, the court granted Plaintiff leave to amend.
STANDARD OF REVIEW	The court applied the Rule 12(b)(6) standard during screening under 28 U.S.C. § 1915(e)(2)(B)(ii), accepting well-pleaded factual allegations as true and assessing whether the complaint plausibly stated a claim. Pro se pleadings were construed liberally, but the court would not supply missing facts or construct an unpleaded legal theory.
PRECEDENTIAL VALUE	unpublished
PARTIES	Gina K. Seabrook, f/k/a Gina K. Covington v. Pete Hegseth, Secretary of Department of War

TOPICS

pleadings

motions to dismiss

civil procedure

civil rights

government liability

PRACTICE AREAS

civil procedure

constitutional law

civil rights

federal employment law

QUESTIONS PRESENTED

1. Whether Plaintiff's complaint stated a plausible claim for relief under Bivens.
2. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a)(2) and the Rule 12(b)(6) pleading standard.
3. Whether Plaintiff should be given an opportunity to amend before dismissal under the in forma pauperis screening statute.

HOLDINGS

1. The complaint failed to state a plausible Bivens claim because it did not identify a constitutional violation, specify the capacity in which Defendant was sued, or allege intelligible facts connecting Defendant to the alleged harm.
2. The complaint failed to satisfy the minimum pleading requirements of Rule 8(a)(2) and failed to state a claim under Rule 12(b)(6) because its allegations were conclusory and did not provide a plausible factual basis for relief.
3. The court granted Plaintiff an opportunity to file an amended complaint because the pleading deficiencies might be curable and amendment was not shown to be futile at that stage.

KEY QUOTATIONS

“A Bivens action “seeks to impose personal liability and damages on a federal official for the violation of a federal constitutional right.””

“to state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.”

“The broad reading of [a pro se] plaintiff’s complaint does not relieve the plaintiff of the burden of alleging sufficient facts on which a recognized legal claim could be based.”

FACTUAL BACKGROUND

Plaintiff alleged that supervisors and managers at her workplace issued suspensions, reprimands, counseling, and an advance notice of separation relating to alleged absenteeism and a Western Union matter. She also alleged that a supervisor sent emails concerning the condition of her facility while she was on leave. Plaintiff named Pete Hegseth as the defendant, but did not allege specific actions by him, identify a constitutional right that he allegedly violated, or state whether he was sued in his individual or official capacity.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging employment-related disciplinary actions and asserting a Bivens claim against Pete Hegseth. The court temporarily granted Plaintiff leave to proceed in forma pauperis and then screened the complaint. The court ordered Plaintiff to file an amended complaint by January 19, 2026, warning that failure to do so could result in dismissal.

DISPOSITION

other

CASES CITED

- Bivens v. Six Unknown Named Agents, 403 U.S. 388, 91 S. Ct. 1999, 29 L. Ed. 2d 619 (1971)
- Kay v. Bemis, 500 F.3d 1214, 1217-18 (10th Cir. 2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- U.S. ex rel. Lemmon v. Envirocare of Utah, Inc., 614 F.3d 1163, 1171 (10th Cir. 2010)
- Monument Builders of Greater Kansas City, Inc. v. American Cemetery Ass'n of Kansas, 891 F.2d 1471, 1480 (10th Cir. 1990)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Ledbetter v. City of Topeka, Kan., 318 F.3d 1183, 1187 (10th Cir. 2003)
- Dunn v. White, 880 F.2d 1188, 1197 (10th Cir. 1989) (per curiam)
- Chapoose v. Hodel, 831 F.2d 931, 935 (10th Cir. 1987)
- Smith v. Kitchen, 561 F.3d 1099 (10th Cir. 2009)
- Allison v. Boulder County BCSO, 2025 U.S. App. LEXIS 19270, at *4, *7 (10th Cir. July 31, 2025)