

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Edward B. Lyon, Jr. v. Bryan Collier, et al.

No. 4:23-cv-00800 (S.D. Tex. Mar. 11, 2026) · No. 4:23-cv-00800 · Decided March 7, 2026

SUMMARY

The United States District Court for the Southern District of Texas addressed defendants’ motion to dismiss a pro se state prisoner’s claims under 42 U.S.C. § 1983, including allegations of retaliation, unconstitutional cool-bed housing assignments, conspiracy, and supervisory liability. The court granted dismissal of the remaining federal claims, largely on failure-to-state-a-claim and qualified-immunity grounds, and dismissed the plaintiff’s state-law claims without prejudice after declining supplemental jurisdiction. The motion was denied as moot as to claims arising at the Clements Unit because those claims had previously been severed and transferred.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Keith P. Ellison
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	March 7, 2026
DOCKET	4:23-cv-00800
DISPOSITION	affirmed_in_part_reversed_in_part
PROCEDURAL POSTURE	Motion to dismiss for failure to state a claim and improper venue
STANDARD OF REVIEW	Plausibility standard for Rule 12(b)(6) motion to dismiss; de novo review
PRECEDENTIAL VALUE	unpublished

TOPICS

- prisoners rights
- qualified immunity
- first amendment
- section 1983
- civil rights

PRACTICE AREAS

- civil rights
- constitutional law
- civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff stated plausible First Amendment retaliation claims against Collier
2. Whether plaintiff stated plausible § 1983 claims against Linthicum
3. Whether claims arising at Clements Unit should be dismissed for improper venue
4. Whether plaintiff's DNR form created a constitutional right to refuse cool bed housing
5. Whether state law claims should be dismissed

HOLDINGS

1. Plaintiff failed to allege sufficient facts to support a plausible retaliation claim; his allegations were conclusory and based on personal belief rather than a chronology of events from which retaliation could be inferred.
2. Collier is entitled to qualified immunity because plaintiff did not establish violation of a clearly established constitutional right.
3. The DNR form does not decline non-lifesaving medical measures and did not prevent transfer to cool bed housing; no viable constitutional claim arose from the DNR.
4. Plaintiff failed to plead facts sufficient to raise viable claims against Linthicum in either individual or supervisory capacity.
5. Court declines to exercise supplemental jurisdiction over state law claims after dismissing all federal claims.

KEY QUOTATIONS

“Plaintiff's allegations of conspiracy in his pleadings are conclusory and based on his personal opinions, not specific factual allegations, and are insufficient to raise a viable claim for conspiracy as to Collier.” (p. 12)

FACTUAL BACKGROUND

Pro se state prisoner alleged TDCJ officials retaliated against him for newsletter articles by manipulating heat sensitivity scores, causing unwanted transfers to cool bed housing and interfering with his parole consideration. He claimed defendants conspired to deny him craft shop privileges and violated his DNR form. Defendants moved to dismiss.

PROCEDURAL HISTORY

Pro se prisoner filed § 1983 civil rights lawsuit. Court severed and transferred some claims to other districts. Remaining claims against Collier and Linthicum in individual and supervisory capacities survived initial screening. Defendants moved to dismiss. Court grants motion in part, dismisses all federal claims with prejudice, dismisses state law claims without prejudice, and denies some motions as moot.

DISPOSITION

affirmed_in_part_reversed_in_part

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Haines v. Kerner, 404 U.S. 519 (1972)
- Woods v. Smith, 60 F.3d 1161 (5th Cir. 1995)
- Jones v. Greninger, 188 F.3d 322 (5th Cir. 1999)
- Hart v. Hairston, 343 F.3d 762 (5th Cir. 2003)
- Schulte v. Wood, 47 F.3d 1427 (5th Cir. 1995)
- Harlow v. Fitzgerald, 457 U.S. 800 (1982)
- Thomas v. Pearson, 342 F. App'x 21 (5th Cir. 2009)
- Tighe v. Wall, 100 F.3d 41 (5th Cir. 1996)
- Alderson v. Concordia Parish Corr. Facility, 848 F.3d 415 (5th Cir. 2017)
- Porter v. Epps, 659 F.3d 440 (5th Cir. 2011)
- Ramirez v. Guadarrama, 3 F.4th 129 (5th Cir. 2021)
- Cole v. Collier, C.A. No. 4:14-CV-1698, 2017 WL 3049540 (S.D. Tex.)
- Tiede v. Collier, 796 F. Supp. 3d 275 (W.D. Tex. 2025)
- Montgomery v. Walton, 759 F. App'x 312 (5th Cir. 2019)
- 28 U.S.C. § 1367
- Brookshire Bros. Holding, Inc. v. Dayco Prod. Inc., 554 F.3d 595 (5th Cir. 2009)
- Bradley v. Sheriff's Dep't St. Landry Par., 958 F.3d 387 (5th Cir. 2020)