

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Ashley Curry v. Magistrate Silvia Beck, et al.

Ashley Curry v. Magistrate Silvia Beck, No. 1:25-cv-467 (S.D. Ohio Jan. 20, 2026) · No. 1:25-cv-467 · Decided
January 20, 2026

SUMMARY

The United States District Court for the Southern District of Ohio granted Defendants’ unopposed motion to dismiss Ashley Curry’s claims arising from the removal of her infant son from her custody. The court held that Curry could not maintain claims based directly on Ohio criminal statutes, that Magistrate Silvia Beck was entitled to judicial immunity, and that the claims against child-services employee Carissa Cook were inadequately pleaded or barred by testimonial immunity. The complaint was dismissed with prejudice, and the Clerk was directed to enter judgment and terminate the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Douglas R. Cole
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	January 20, 2026
DOCKET	1:25-cv-467
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Curry's removed action. Curry did not respond despite notice and warning from the Clerk. The court considered the motion on the merits and dismissed the complaint with prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true, construes the complaint in the plaintiff's favor, and asks whether the complaint contains sufficient factual matter to state a facially plausible claim for relief. The court generally confines its review to the pleadings, including documents referred to in and central to the complaint.
PRECEDENTIAL VALUE	Nonprecedential district-court opinion

PARTIES

Ashley Curry v. Magistrate Silvia Beck, Carissa Cook, et al.

TOPICS

motions to dismiss

section 1983

child custody

due process

equal protection

PRACTICE AREAS

civil procedure

civil rights

constitutional law

family law

remedies

QUESTIONS PRESENTED

1. Whether Curry's claims based directly on Ohio criminal statutes or on alleged violations of those statutes stated a cognizable claim under 42 U.S.C. § 1983 or an independent civil cause of action.
2. Whether Magistrate Beck was absolutely immune from Curry's claims based on her custody ruling.
3. Whether Cook was immune from liability for statements made as a witness in the custody proceeding.
4. Whether Curry plausibly alleged that Cook violated her equal-protection rights through race-based conduct.
5. Whether Curry plausibly alleged a procedural or substantive due-process violation concerning her custody and parental rights.
6. Whether the unopposed motion to dismiss could be granted based on Curry's failure to respond.

HOLDINGS

1. An alleged violation of Ohio criminal statutes cannot itself serve as the basis for a § 1983 claim, and Curry could not directly assert claims under the cited criminal statutes without a proper civil cause of action.
2. Magistrate Beck was absolutely immune from Curry's claims because the challenged custody ruling was an act taken in her official judicial capacity.
3. Cook was absolutely immune from civil liability based on statements she made as a witness during the judicial custody proceeding.
4. Curry failed to plausibly allege that Cook violated her Fourteenth Amendment equal-protection rights through race-based conduct.
5. Curry failed to plausibly allege a procedural due-process violation because the state provided procedures sufficient to address the temporary deprivation of custody.
6. Curry failed to plausibly allege a substantive due-process violation because the alleged conduct did not rise to the level of conduct that shocks the conscience.

KEY QUOTATIONS

“Judicial immunity is a long-recognized common-law doctrine shielding judges from collateral attacks challenging a judge's actions taken in her official judicial capacity.” (Part B.2)

“all witnesses ... are absolutely immune from civil liability based on their trial testimony in judicial proceedings.” (Part B.3)

“For the above reasons, the Court GRANTS Defendants’ Motion to Dismiss (Doc. 4) and DISMISSES Curry’s Complaint (Doc. 2) WITH PREJUDICE.” (Conclusion)

FACTUAL BACKGROUND

Curry alleged that shortly after she gave birth to her son, T.R., Hamilton County Job and Family Services employee Carissa Cook investigated her, required her to cooperate with child-protective services, and arranged for the child to remain with a relative under a case plan. Magistrate Silvia Beck later conducted an emergency custody hearing at which Cook testified and ordered that T.R. remain in state custody. Curry alleged that Cook’s courtroom references to her race supported claims under 42 U.S.C. § 1983 for deprivation of constitutional rights, and she also cited Ohio criminal statutes concerning kidnapping, abduction, and unlawful restraint.

PROCEDURAL HISTORY

Curry initially filed the action in the Hamilton County Court of Common Pleas, although the complaint was captioned for the federal district court. Defendants removed the case to the Southern District of Ohio based on federal-question jurisdiction and jointly moved to dismiss. After Curry failed to oppose the motion, the district court granted it, dismissed the complaint with prejudice, directed entry of judgment, and terminated the case.

DISPOSITION

dismissed

CASES CITED

- Bassett v. Nat’l Collegiate Athletic Ass’n, 528 F.3d 426, 430 (6th Cir. 2008)
- Robbins v. New Cingular Wireless PCS, LLC, 854 F.3d 315, 319 (6th Cir. 2017)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Armengau v. Cline, 7 F. App’x 336, 343-44 (6th Cir. 2001)
- Layne v. Thoroughman, No. 1:23-cv-702, 2024 WL 3068872, at *3-4 (S.D. Ohio June 20, 2024)
- Humphrey v. U.S. Att’y Gen.’s Off., 279 F. App’x 328, 331 (6th Cir. 2008)
- Scott v. Tenn., 878 F.2d 382, 1989 WL 72470, at *2 (6th Cir. 1989) (Table)
- Schreiber v. Moe, 320 F. App’x 312, 317-18 (6th Cir. 2008)
- Pyles v. Raisor, 60 F.3d 1211, 1215 (6th Cir. 1995)
- Henderson v. Parin, No. 3:22-cv-228, 2023 WL 369954, at *3 (S.D. Ohio Jan. 24, 2023)
- Biomedical Innovations, Inc. v. McLaughlin, 658 N.E.2d 1084, 1086 (Ohio 1995)
- Jacobsen v. Kaforey, 75 N.E.3d 203, 204-05 (Ohio 2016)
- Morgan v. Bd. of Pro. Resp. of the Sup. Ct. of Tenn., 63 F.4th 510, 518 (6th Cir. 2023)
- Forrester v. White, 484 U.S. 219, 225 (1988)

- Two Bridges, LLC v. City of Youngstown, Ohio, No. 22-3506, 2023 WL 4030071, at *3 (6th Cir. June 15, 2023)
- Moldowan v. City of Warren, 578 F.3d 351, 390 (6th Cir. 2009)
- Briscoe v. LaHue, 460 U.S. 325, 328 (1983)
- Siefert v. Hamilton County, 951 F.3d 753, 762, 765-67 (6th Cir. 2020)
- Troxel v. Granville, 530 U.S. 57, 65 (2000)
- Eidson v. State of Tenn. Dep't of Children's Servs., 510 F.3d 631, 635 (6th Cir. 2007)

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