

Question

What are the legal standards and requirements for filing a lawsuit in federal court against state court officials in Texas for alleged constitutional violations?

Answer (Texas)

Short response

Lawsuits against state court officials in Texas for constitutional violations typically proceed under 42 U.S.C. § 1983, which requires plaintiffs to allege a violation of a federal constitutional or statutory right committed by a person acting under color of state law. Such claims must navigate significant hurdles including sovereign immunity, qualified immunity, and specific pleading standards established by *Twombly* and *Iqbal*.

Summary

Individuals seeking to file lawsuits in federal court against Texas state court officials for constitutional violations primarily rely on 42 U.S.C. § 1983, which creates a cause of action against persons who, acting under color of state law, deprive individuals of rights secured by the Constitution or federal laws. To establish a valid Section 1983 claim, plaintiffs must demonstrate two essential elements: (1) a deprivation of a right secured by the Constitution or federal law, and (2) that the alleged deprivation was committed by a person acting under color of state law. However, several significant barriers exist, including sovereign immunity under the Eleventh Amendment (which generally bars suits against states in federal court), qualified immunity (which protects officials from liability unless they violated clearly established rights), and heightened pleading standards requiring factually plausible claims.

The legal framework for these lawsuits involves complex jurisdictional requirements, immunity doctrines, and procedural rules. Federal courts have limited jurisdiction and can only hear cases authorized by the Constitution or federal statutes. While Section 1983 provides the statutory framework for constitutional claims against state actors, sovereign immunity prevents suits against state entities and officials in their official capacities for damages. However, under the *Ex parte Young* exception, plaintiffs can seek prospective injunctive relief against state officials to prevent ongoing constitutional violations. Additionally, state officials can be sued in their individual capacities for damages, though they may assert qualified immunity if their actions did not violate clearly established law that a reasonable person would have known.

Background and Relevant Law

Federal Jurisdiction and Statutory Framework

Federal courts are courts of limited jurisdiction and must possess statutory or constitutional authority to adjudicate a claim. According to [Rocha v. De La Garza](#) (S.D. Tex. 2023), "Federal courts are courts of limited jurisdiction and must possess statutory or constitutional authority to adjudicate a claim." The court further explained that "[i]t is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction."

There are two primary types of federal subject matter jurisdiction: federal question jurisdiction and diversity jurisdiction. [Rocha v. De La Garza](#) (S.D. Tex. 2023) states: "Two types of federal subject matter jurisdiction exist: federal question jurisdiction and diversity jurisdiction. See 28 U.S.C. §§ 1331, 1332." Cases alleging constitutional violations typically invoke federal question jurisdiction under 28 U.S.C. § 1331.

The primary statutory vehicle for bringing constitutional claims against state officials is 42 U.S.C. § 1983. As explained in [McCoy v. Ndoumou](#) (E.D. Tex. 2023):

"Title 42 U.S.C. § 1983 creates a cause of action against any person who, acting under color of state law, causes a person to be deprived of a federally-protected constitutional right. *Gomez v. Toledo*, 446 U.S. 635, 640 (1980); *Phillips v. Monroe Cnty.*, 311 F.3d 369, 373 (5th Cir. 2002)."

The statute provides:

"Every person who, under color of any statute, ordinance, regulation, custom or usage, of any state... subjects, or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured...."

It is important to understand that Section 1983 does not create substantive rights itself but provides a method for vindicating federal rights established elsewhere. [Prescott v. Abbott](#) (W.D. Tex. 2018) clarifies: "Section 1983 is not itself a source of substantive rights; rather, it merely provides a method for vindicating federal rights conferred elsewhere. See *Albright v. Oliver*, 510 U.S. 266, 271 (1994)."

Elements of a Section 1983 Claim

To establish a valid Section 1983 claim, plaintiffs must satisfy two essential elements:

1. Allege a violation of rights secured by the U.S. Constitution or federal law
2. Demonstrate that the alleged deprivation was committed by a person acting under color of state law

These requirements are consistently articulated across numerous cases. For instance, [Brawley v. The State of Tex.](#) (N.D. Tex. 2023) states: "To state a claim under § 1983, a plaintiff must allege facts that show (1) he has been deprived of a right secured by the Constitution and laws of the United States; and (2) the deprivation occurred under color of state law."

Similarly, [Connall v. Basel](#) (W.D. Tex. 2023) explains: "To prevail upon a § 1983 claim a plaintiff must establish two elements: (1) a constitutional violation; and (2) that the defendants were acting under color of state law when they committed the constitutional violation. *Whitley v. Hanna*, 726 F.3d 631, 638 (5th Cir. 2013)."

The requirement for specific factual allegations is emphasized in [Smith v. Clark](#) (W.D. Tex. 2020): "Plaintiffs suing governmental officials in their individual capacities... must allege specific conduct giving rise to a constitutional violation. This standard requires more than constitutional assertions: The plaintiff must allege specific facts giving rise to the constitutional claims."

Sovereign Immunity and the Eleventh Amendment

One of the primary obstacles to suing state court officials is sovereign immunity. The Eleventh Amendment provides states with immunity from suits in federal court without their consent. [Robinson v. UTMB](#) (E.D. Tex. 2024) explains: "Sovereign immunity prohibits 'private suits against nonconsenting states in federal court.'"

This immunity extends beyond suits directly against states to include state agencies and officials in their official capacities. [Cato v. Hays Cnty. Dist. Attorney Office](#) (W.D. Tex. 2024) clarifies: "Sovereign immunity applies not only to actions in which a state itself is the named defendant, but also to actions against state agencies and instrumentalities. *Regents of the Univ. of Cal. v. Doe*, 519 U.S. 425, 429 (1997)."

The same case further explains that "[a] suit against an arm or instrumentality of the State is treated as one against the State itself," and "lawsuits brought against employees in their official capacity 'represent only another way of pleading an action against an entity of which an officer is an agent,' and they also may be barred by sovereign immunity."

The limitations imposed by sovereign immunity are particularly relevant in Section 1983 cases. [Martin v. Glover](#) (E.D. Tex. 2024) notes: "The Eleventh Amendment bars claims against a state brought pursuant to 42 U.S.C. § 1983... the Supreme Court held that 'neither a State nor its officials acting in their official capacities are 'persons' under § 1983.'"

Texas law specifically addresses this issue in [Tex. Civ. Prac. and Rem. Code § 107.002](#), which states that "the state does not grant permission to be sued in any federal court." This provision explicitly withholds consent to suit in federal court, reinforcing sovereign immunity protections for Texas state officials.

Ex parte Young Exception

Despite sovereign immunity's broad protections, an important exception exists under the doctrine established in *Ex parte Young*. [LITIGATING IMPERFECT SOLUTIONS: STATE CONSTITUTIONAL CLAIMS IN FEDERAL COURT](#) (2020) explains:

"*Ex parte Young* created an exception to state sovereign immunity, holding that the Eleventh Amendment generally does not prohibit suits against state officers for injunctive relief against violations of the U.S. Constitution. The Court reasoned that state officers who violate the U.S. Constitution act without official authority, since a state cannot authorize constitutional violations. In such cases, the officer is 'stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct.' The suit 'does not affect the State in its sovereign or governmental capacity.'"

This exception allows plaintiffs to seek prospective injunctive relief against state officials to halt ongoing constitutional violations, even though damages against the state would be barred.

Official Capacity vs. Individual Capacity Suits

A critical distinction exists between suits against state officials in their official capacity versus their individual capacity. [PREGNANT AND DETAINED: CONSTITUTIONAL RIGHTS AND REMEDIES FOR PREGNANT IMMIGRANT DETAINEES](#) (2021) explains:

"[S]tate and local officials 'literally are persons,' a suit brought against an official in their official capacity is not a suit against the individual official; rather, it is a suit against the official's office or the government entity itself. As a result, officials cannot be held personally liable for damages in official capacity suits. Instead, plaintiffs can only recover damages from the government entity. On the other hand, personal capacity suits impose personal liability on the individual defendant, and any damages awarded come out of the official's personal assets."

The same source further explains the implications:

"The Supreme Court has held that while local governments and municipalities are 'persons' under Section 1983, state governments are not and cannot be sued. Thus, if the officer sued in his official capacity is employed by the state, the suit will be dismissed; if the officer sued in his official capacity is employed by a local government, it will be treated as a municipal suit and allowed to proceed."

This distinction is crucial because state sovereign immunity applies differently:

"In addition to not being 'persons' for the purpose of Section 1983, state officers sued in their official capacity and state offices are also protected by sovereign immunity, and so cannot be sued for damages."

Qualified Immunity

When suing state officials in their individual capacities, plaintiffs must overcome qualified immunity. [Bangmon v. Tucker](#) (E.D. Tex. 2023) explains:

"The doctrine of qualified immunity affords protection against individual liability for civil damages to officials 'insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.' *Hope v. Pelzer*, 536 U.S. 730, 739 (2002) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982))."

The case further clarifies that "[q]ualified immunity is intended to protect all officials, except those who are plainly incompetent or who knowingly violate the law. *Malley v. Briggs*, 475 U.S. 335, 341 (1986)."

Federal courts apply a two-part test to determine if qualified immunity applies, as described in [Bangmon v. Tucker](#) (E.D. Tex. 2023): "Federal courts use a two-part test to determine whether the defendants are entitled to qualified immunity. *Freeman v. Texas Dep't of Crim. Just.*, 369 F.3d 854, 863 (5th Cir. 2004)."

While the case does not specify the elements of this test, other authorities indicate that courts consider whether (1) the plaintiff has alleged a violation of a constitutional right, and (2) whether the right was clearly established at the time of the alleged violation.

Pleading Standards

Plaintiffs must satisfy specific pleading standards when filing lawsuits in federal court. [Mann v. Choate](#) (E.D. Tex. 2018) explains:

"The Supreme Court clarified the standards that apply in a motion to dismiss for failure to state a claim in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). The Supreme Court stated that Rule 12(b)(6) must be read in conjunction with Rule 8(a), which requires 'a short and plain statement of the claim showing that the pleader is entitled to relief.' Id. at 555. The Supreme Court held that 'we do not require heightened fact pleading of specifics, but only enough facts to state a claim to relief that is plausible on its face.' Id. at 570. A complaint may be dismissed if a plaintiff fails to 'nudge [his] claims across the line from conceivable to plausible.'"

This "plausibility" standard was later applied to civil rights cases in *Ashcroft v. Iqbal*, as explained in [Chapter 2-IV. PLEADING AND FILING THE SECTION 1983 LAWSUIT](#):

"In 2007, however, the Supreme Court changed course. In *Bell Atlantic Corp. v. Twombly*, the Court held that plaintiffs must plead 'enough facts to state a claim to relief that is plausible on its face.'... Two years later, in *Ashcroft v. Iqbal*, the Court applied the rule announced in *Twombly* to a civil rights case and made clear that the new plausibility standard applied to all federal claims."

Statute of Limitations

Plaintiffs must file their claims within the applicable statute of limitations. [Navarrette v. Isbell](#) (S.D. Tex. 2015) explains:

"Since there is no federal statute of limitations for § 1983 and ADA claims, the Court must borrow the most analogous limitations period from state law. See *Frame v. City of Arlington*, 657 F.3d 215, 237 (5th Cir. 2013) (en banc); *Whitt v. Stephens Cnty.*, 529 F.3d 278, 282 (5th Cir. 2008); *Jacobsen v. Osborne*, 133 F.3d 315, 319 (5th Cir. 1998). For § 1983 and ADA claims, the Court applies Texas's two-year personal injury limitations period. See TEX. CIV. PRAC. & REM. CODE § 16.003; *Brockman v. Tex. Dep't of Criminal Justice*, 397 F. App'x 18, 21 (5th Cir. 2010)."

The case further explains when claims accrue: "Federal law governs when a claim accrues, beginning when a 'plaintiff knows or has reason to know of the injury which is the basis of the action.'"

Heck v. Humphrey Doctrine

An important limitation for Section 1983 claims related to criminal proceedings is the doctrine established in *Heck v. Humphrey*. [Cook v. City of Tyler](#) (E.D. Tex. 2019) explains:

"In *Heck*, the Supreme Court held that 'in order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254.' 512 U.S. at 483–84, 114 S.Ct. 2364."

The case further clarifies that this is not an exhaustion requirement but a matter of accrual: "This is not 'an exhaustion requirement,' but rather an issue of accrual: 'a § 1983 cause of action for damages attributable to an unconstitutional conviction or sentence does not accrue until the conviction or sentence has been invalidated.'"

Analysis: Filing a Lawsuit Against State Court Officials

Establishing Federal Jurisdiction

To file a lawsuit in federal court against state court officials in Texas for alleged constitutional violations, the plaintiff must first establish federal court jurisdiction. As noted in [Carpenter v. Kirk Mortuary Funeral Home](#) (S.D. Tex. 2018):

"This court has jurisdiction over civil cases 'arising under the Constitution, law, or treaties of the United States.' See 28 U.S.C. § 1331. Here, federal question jurisdiction may be triggered by a plausible allegation of a violation of Plaintiffs' constitutional rights."

Constitutional claims against state officials typically arise under 42 U.S.C. § 1983, which provides the statutory basis for federal question jurisdiction. The complaint should clearly state the constitutional or federal statutory rights alleged to have been violated to establish federal jurisdiction.

Drafting a Proper Complaint

When drafting the complaint, plaintiffs must satisfy the pleading requirements established in *Twombly* and *Iqbal*. The complaint must contain sufficient factual allegations to state a plausible claim for relief. Mere conclusions or recitations of the elements of a cause of action are insufficient.

For Section 1983 claims specifically, the complaint must allege:

1. Which specific constitutional or federal rights were violated
2. How each named defendant was personally involved in violating those rights
3. That the defendants were acting under color of state law
4. The specific facts supporting each element of the claim

[Slocum v. Livingston](#) (S.D. Tex. 2012) emphasizes that "[a] plaintiff alleging a § 1983 cause of action against government officials in their individual capacities must make specific factual allegations that support each individual's role in the constitutional deprivation at issue."

Addressing Sovereign Immunity

Plaintiffs must carefully consider sovereign immunity when structuring their claims. As explained above, sovereign immunity generally bars suits against states, state agencies, and state officials in their official capacities for damages.

To overcome sovereign immunity barriers, plaintiffs typically have two options:

Sue state officials in their individual capacities for damages: As noted in [Slocum v. Livingston](#) (S.D. Tex. 2012), "The Eleventh Amendment does not grant immunity when a section 1983 claim is asserted against a state official in his personal capacity. *Hafer v. Melo*, 502 U.S. 21 (1991)."

Seek prospective injunctive relief against officials in their official capacities: Under the *Ex parte Young* exception, plaintiffs can seek injunctive relief to prevent ongoing constitutional violations.

However, [Tex. Civ. Prac. and Rem. Code § 107.002](#) explicitly states that "the state does not grant permission to be sued in any federal court." This provision reinforces Texas's sovereign immunity and limits the availability of remedies against the state itself.

Supervisory Liability Considerations

When suing state court officials in supervisory positions, plaintiffs cannot rely on theories of respondeat superior. As explained in [McGee v. Thompson](#) (E.D. Tex. 2022):

"The Supreme Court has held that the term supervisory liability in the context of a section 1983 lawsuit is a 'misnomer' since '[e]ach Government official, his or her title notwithstanding, is only liable for his or her own misconduct.'"

The same case clarifies that "[a] supervisor may be held liable if either of the following exists: (1) his personal involvement in the constitutional deprivation, or (2) sufficient causal connection between the supervisor's wrongful conduct and the constitutional violations."

Therefore, plaintiffs must allege specific facts showing how supervisory officials either directly participated in the constitutional violation or how their actions or policies led to the violation.

Qualified Immunity Considerations

Plaintiffs must anticipate and address qualified immunity defenses when suing state court officials in their individual capacities. Officials are entitled to qualified immunity unless their conduct violated "clearly established" rights that a reasonable person would have known about.

To overcome qualified immunity, plaintiffs should:

1. Identify the specific constitutional or federal right violated
2. Demonstrate that the right was "clearly established" at the time of the alleged violation
3. Show that a reasonable official would have understood that the conduct violated that right

Establishing that a right was "clearly established" typically requires citing binding precedent from the Supreme Court, Fifth Circuit, or Texas federal district courts that would have put the official on notice that their conduct was unconstitutional.

Proper Remedies

When filing a lawsuit against state court officials, plaintiffs must carefully specify the remedies sought. The available remedies will depend on the capacity in which officials are sued:

Official Capacity: Generally limited to prospective injunctive relief under *Ex parte Young*

Individual Capacity: May include monetary damages, but subject to qualified immunity

Plaintiffs should be aware that punitive damages may be available against individual defendants but not against governmental entities.

Exceptions and Caveats

Judicial Immunity

State court judges generally enjoy absolute judicial immunity for actions taken in their judicial capacity. [Federal Civil Rights Litigation Pursuant to 42 U.S.C. §1983 as a Correlate of Police Crime](#) (2019) notes that "in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable."

This means that judges are typically immune from both damages and injunctive relief for their judicial acts, with very limited exceptions.

Heck v. Humphrey Limitation

As noted above, under *Heck v. Humphrey*, plaintiffs cannot bring Section 1983 claims that would necessarily imply the invalidity of an existing criminal conviction unless that conviction has already been invalidated through appropriate means. This doctrine prevents plaintiffs from collaterally attacking criminal convictions through civil rights lawsuits.

Abstention Doctrines

Federal courts may abstain from hearing cases that would interfere with ongoing state court proceedings under various abstention doctrines, including *Younger* abstention (for ongoing state criminal proceedings) and *Rooker-Feldman* doctrine (which prevents federal district courts from reviewing state court judgments).

Alternative State Law Claims

In some cases, plaintiffs may have alternative claims under Texas state law. However, these claims may be subject to different immunity doctrines and procedural requirements.

Conclusion

Filing a lawsuit in federal court against state court officials in Texas for alleged constitutional violations involves navigating a complex legal framework of federal jurisdiction, statutory provisions, immunity doctrines, and procedural requirements.

Plaintiffs must:

1. File within Texas's two-year statute of limitations for Section 1983 claims
2. Establish federal question jurisdiction by plausibly alleging a violation of constitutional or federal rights
3. Satisfy the pleading standards of *Twombly* and *Iqbal* with specific factual allegations
4. Navigate sovereign immunity by carefully structuring claims against officials in their individual capacities or seeking only prospective injunctive relief against officials in their official capacities
5. Overcome qualified immunity by demonstrating violations of clearly established rights
6. Specify appropriate remedies based on the capacity in which officials are sued

The central vehicle for such claims is 42 U.S.C. § 1983, which creates a cause of action against persons who, acting under color of state law, deprive individuals of rights secured by the Constitution or federal law. However, sovereign immunity under the Eleventh Amendment, qualified immunity, and specific pleading requirements create significant barriers that plaintiffs must overcome to successfully litigate these claims.

While these lawsuits face substantial challenges, they remain an important mechanism for vindicating constitutional rights and holding state officials accountable for constitutional violations. As stated in [QUALIFIED IMMUNITY AND UNQUALIFIED ASSUMPTIONS](#) (2022): "The very purpose of [section] 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights--to protect the people from unconstitutional action under color of state law."

Legal Authorities

[McGee v. Thompson, 6:21cv222, Civil Action 6:21cv200 \(E.D. Tex. Aug 02, 2022\)](#)

U.S. District Court — Eastern District of Texas

Extract

The Supreme Court has held that the term supervisory liability in the context of a section 1983 lawsuit is a "misnomer" since "[e]ach Government official, his or her title notwithstanding, is only liable for his or her own misconduct." Iqbal, 556 U.S. at 677. The Court rejected an argument that government officials may be held liable merely because they had knowledge or acquiesced in their subordinate's misconduct. Id. A supervisor may be held liable if either of the following exists: (1) his personal involvement in the constitutional deprivation, or (2) sufficient causal connection between the supervisor's wrongful conduct and the constitutional violations. Thompkins v. Belt, 828 F.2d 298, 303-304 (5th Cir. 1987).

Summary

The passage provides insight into the legal standards for holding state court officials liable under section 1983, which is relevant to filing a lawsuit in federal court for constitutional violations. It clarifies that officials are only liable for their own misconduct and outlines the conditions under which a supervisor may be held liable.

[Mann v. Choate, CIVIL ACTION NO. 6:16cv1315 \(E.D. Tex. Mar 19, 2018\)](#)

U.S. District Court — Eastern District of Texas

Extract

The Supreme Court clarified the standards that apply in a motion to dismiss for failure to state a claim in Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007). The Supreme Court stated that Rule 12(b)(6) must be read in conjunction with Rule 8(a), which requires 'a short and plain statement of the claim showing that the pleader is entitled to relief.' Id. at 555. The Supreme Court held that 'we do not require heightened fact pleading of specifics, but only enough facts to state a claim to relief that is plausible on its face.' Id. at 570. A complaint may be dismissed if a plaintiff fails to 'nudge [his] claims across the line from conceivable to plausible.'

Summary

Requirement for a complaint to state a plausible claim for relief, which is a fundamental standard for filing a lawsuit in federal court. This is relevant to any federal lawsuit, including those against state court officials for constitutional violations.

[Carpenter v. Kirk Mortuary Funeral Home, Civil Action No. H-18-293 \(S.D. Tex. Dec 05, 2018\)](#)

U.S. District Court — Southern District of Texas

Extract

This court has jurisdiction over civil cases 'arising under the Constitution, law, or treaties of the United States.' See 28 U.S.C. § 1331. Here, federal question jurisdiction may be triggered by a plausible allegation of a violation of Plaintiffs' constitutional rights. Title 42, United States Code Section 1983 ('Section 1983') provides a remedy for constitutional violations by individuals acting under color of state law. See 42 U.S.C. § 1983. The statute creates no substantive right, but only provides remedies for deprivations of rights created under federal law. Graham v. Connor, 490 U.S. 386, 393-94 (1989). A plaintiff can establish a prima facie case under Section 1983 by alleging: (1) a violation of a federal constitutional or statutory right; and (2) that the violation was committed by an individual acting under the color of state law. Doe v. Rains County Indep. Sch. Dist., 66 F.3d 1402, 1406 (5th Cir. 1995).

Summary

To file a lawsuit in federal court against state court officials in Texas for alleged constitutional violations, the plaintiff must establish federal question jurisdiction under 28 U.S.C. § 1331. This can be done by alleging a plausible violation of constitutional rights. Section 1983 provides a remedy for such violations when committed by individuals acting under color of state law. The plaintiff must allege a violation of a federal constitutional or statutory right and that the violation was committed by an individual acting under the color of state law.

[Prescott v. Abbott, A-18-CA-CV-957-RP \(W.D. Tex. Nov 30, 2018\)](#)

U.S. District Court — Western District of Texas

Extract

Section 1983 provides a cause of action to individuals whose federal rights have been violated by those acting under color of state law. Doe v. Dall. Indep. Sch. Dist., 153 F.3d 211, 215 (5th Cir. 1998). Section 1983 is not itself a source of substantive rights; rather, it merely provides a method for vindicating federal rights conferred elsewhere. See Albright v. Oliver, 510 U.S. 266, 271 (1994). In order to state a claim under Section 1983, a plaintiff must (1) allege a violation of rights guaranteed by the United States Constitution or federal law, and (2) demonstrate the alleged deprivation was committed by a person acting under color of state law. Doe, 153 F.3d at 215.

Summary

The passage provides insight into the legal standards for filing a lawsuit under Section 1983, which is a common method for addressing constitutional violations by state officials. It specifies that a plaintiff must allege a violation of constitutional or federal rights and show that the violation was committed by someone acting under state law. This is directly relevant to the question as it outlines the foundational requirements for such a lawsuit.

[Connall v. Basel](#)

U.S. District Court — Western District of Texas

Extract

42 U.S.C. § 1983 "is not itself a source of substantive rights, but a method for vindicating federal rights elsewhere conferred by those parts of the United States Constitution and federal statutes that it describes." Baker v. McCollan, 443 U.S. 137, 144, n.3 (1979). To prevail upon a § 1983 claim a plaintiff must establish two elements: (1) a constitutional violation; and (2) that the defendants were acting under color of state law when they committed the constitutional violation. Whitley v. Hanna, 726 F.3d 631, 638 (5th Cir. 2013).

Summary

Two essential elements that must be established: a constitutional violation and that the defendants acted under color of state law. This is directly relevant to the question as it addresses the requirements for filing such a lawsuit in federal court.

[Hill v. Meclin](#)

U.S. District Court — Western District of Texas

Extract

Section 1983 "is not itself a source of substantive rights, but a method for vindicating federal rights elsewhere conferred by those parts of the United States Constitution and federal statutes that it describes." *Baker v. McCollan*, 443 U.S. 137, 144 n.3 (1979). To prevail in a § 1983 claim, a plaintiff must establish two elements: (1) a constitutional violation; and (2) that the defendants were acting under color of state law when they committed the constitutional violation. *Whitley v. Hanna*, 726 F.3d 631, 638 (5th Cir. 2013).

Summary

Two essential elements required to establish a Section 1983 claim: a constitutional violation and action under color of state law.

[Cato v. Hays Cnty. Dist. Attorney Office, A-24-CV-808-RP \(W.D. Tex. Sep 01, 2024\)](#)

U.S. District Court — Western District of Texas

Extract

Section 1983 provides a cause of action to individuals whose federal rights have been violated by those acting under color of state law. *Doe v. Dall. Indep. Sch. Dist.*, 153 F.3d 211, 215 (5th Cir. 1998). Section 1983 is not itself a source of substantive rights; rather, it merely provides a method for vindicating federal rights conferred elsewhere. See *Albright v. Oliver*, 510 U.S. 266, 271 (1994). In order to state a claim under Section 1983, a plaintiff must (1) allege a violation of rights guaranteed by the United States Constitution or federal law, and (2) demonstrate the alleged deprivation was committed by a person acting under color of state law. *Doe*, 153 F.3d at 215. Sovereign immunity under the Eleventh Amendment precludes suits by private citizens against states in federal court. *City of Austin v. Paxton*, 943 F.3d 993, 997 (5th Cir. 2019). Sovereign immunity applies not only to actions in which a state itself is the named defendant, but also to actions against state agencies and instrumentalities. *Regents of the Univ. of Cal. v. Doe*, 519 U.S. 425, 429 (1997). '[A] suit against an arm or instrumentality of the State is treated as one against the State itself.' *Lewis v. Clarke*, 137 S.Ct. 1285, 1293 (2017). Similarly, lawsuits brought against employees in their official capacity 'represent only another way of pleading an action against an entity of which an officer is an agent,' and they also may be barred by sovereign immunity.

Summary

The passage provides insight into the legal standards for filing a lawsuit in federal court against state court officials in Texas for alleged constitutional violations. It explains that Section 1983 allows individuals to seek redress for federal rights violations by those acting under state law. However, it also highlights the limitation imposed by the Eleventh Amendment, which grants sovereign immunity to states and their instrumentalities, including state agencies and officials sued in their official capacity. This immunity can bar claims for monetary damages against state entities and officials.

[Schwarzer v. Shanklin, Civil Action No. 4:18cv434 \(E.D. Tex. Mar 13, 2019\)](#)

U.S. District Court — Eastern District of Texas

Extract

The Eleventh Amendment bars suit in federal court against a state, or its agencies or departments, regardless of the relief requested. *Pennhurst State Sch. & Hosp. v. Alderman*, 465 U.S. 89, 100 (1984). Eleventh Amendment immunity confers immunity from suit, not merely from liability. *Id.* at 100-02. The U.S. Supreme Court expressly acknowledges the importance of protecting government time and witnesses in the context of immunity from suit. *Ashcroft v. Iqbal*, 556 U.S. 662, 685 (2009) (basic thrust of the immunity doctrine is to free officials from the concerns of litigation). ... The Court additionally notes that Plaintiff has sued State actors in their official capacities. The Supreme Court has made it clear that the Constitution does not provide for federal jurisdiction over suits against nonconsenting states. *Kimel v. Fla. Bd. of Regents*, 528 U.S. 62, 73 (2000). Neither Congress nor the State of Texas has waived Eleventh Amendment immunity regarding Section 1983. *Will v. Michigan Dept. of State Police*, 491 U.S. 58, 66 (1989) ('Congress, in passing § 1983, had no intention to disturb the States' Eleventh Amendment immunity.').

Summary

The passage explains that the Eleventh Amendment provides immunity to states and their officials from being sued in federal court without consent. This immunity applies to suits seeking relief under Section 1983, as neither Congress nor Texas has waived this immunity. The passage is relevant as it directly addresses the legal standards and limitations for filing such lawsuits in federal court.

[Lasyone v. Mgmt. & Training Corp](#)

U.S. District Court — Northern District of Texas

Extract

When Lasyone filed this action on a prisoner complaint form, he invoked the Court's federal question jurisdiction by seeking relief against the defendants under 42 U.S.C. § 1983. [Section 1983] provides a federal cause of action for the deprivation, under color of law, of a citizen's 'rights, privileges, or immunities secured by the Constitution and laws' of the United States." *Livadas v. Bradshaw*, 512 U.S. 107, 132 (1994). It "afford[s] redress for violations of federal statutes, as well as of constitutional norms." *Id.* A claim of liability for violation of rights under 42 U.S.C. § 1983, regardless of the particular constitutional theory, must be based upon allegations of personal responsibility.

Summary

The passage provides insight into the legal standards for filing a lawsuit in federal court against state officials for constitutional violations. It highlights that 42 U.S.C. § 1983 is the federal statute that allows individuals to seek redress for constitutional violations committed under color of state law. The passage also emphasizes the necessity of alleging personal responsibility for the violation of rights.

[Rocha v. De La Garza](#)

U.S. District Court — Southern District of Texas

Extract

Federal courts are courts of limited jurisdiction” and must possess statutory or constitutional authority to adjudicate a claim. Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994). “It is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction.” Id. (cleaned up); cf. Fed.R.Civ.P. 8(a) (“A pleading that states a claim for relief must contain. .. a short and plain statement of the grounds for the court’s jurisdiction ”). Two types of federal subject matter jurisdiction exist: federal question jurisdiction and diversity jurisdiction. See 28 U.S.C. §§ 1331, 1332. Federal courts have diversity jurisdiction in civil cases where the parties are citizens of different states, and the amount in controversy exceeds \$75,000. Id. § 1332.

Summary

The passage explains the limited jurisdiction of federal courts and the requirement for a statutory or constitutional basis to adjudicate a claim. It highlights the necessity for a plaintiff to establish federal question jurisdiction or diversity jurisdiction to bring a case in federal court. This is relevant to filing a lawsuit against state court officials for constitutional violations, as the plaintiff must demonstrate that the case involves a federal question or meets the criteria for diversity jurisdiction.

[Martin v. Glover](#)

U.S. District Court — Eastern District of Texas

Extract

The doctrine of qualified immunity affords protection to officials against individual liability for civil damages “insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” ... Title 42 U.S.C. § 1983 authorizes a suit in equity, or other proper proceeding for redressing violations of the Constitution and federal law by those acting under color of state law. ... Sovereign immunity prohibits “private suits against nonconsenting states in federal court.” ... The Eleventh Amendment bars claims against a state brought pursuant to 42 U.S.C. § 1983. ... the Supreme Court held that “neither a State nor its officials acting in their official capacities are ‘persons’ under § 1983.”

Summary

The passage provides insight into the legal standards and requirements for filing a lawsuit in federal court against state court officials in Texas for alleged constitutional violations. It discusses the doctrine of qualified immunity, which protects officials from liability unless they violate clearly established rights. It also explains that 42 U.S.C. § 1983 allows for suits against those acting under state law for constitutional violations. However, the Eleventh Amendment and sovereign immunity bar claims against states and state officials in their official capacities under § 1983. This information is crucial for understanding the legal framework and limitations when considering such lawsuits.

[Reynolds v. Titus Cnty.](#)

U.S. District Court — Eastern District of Texas

Extract

*Further, when a plaintiff’s complaint is facially frivolous and insubstantial, it is viewed as insufficient to invoke the jurisdiction of the federal courts. Richard-Coulbaly, 2019 WL 3752672, at *2 (citing Dilworth v. Dallas Cty. Cmty. Coll. Dist., 81 F.3d 616, 617 (5th Cir. 1996)). The Supreme Court has repeatedly held that the federal courts are without power to entertain claims which may otherwise be within their jurisdiction if they are so attenuated and unsubstantial as to be absolutely devoid of merit. Id. (citing Hagans v. Lavine, 415 U.S. 528, 536 (1974) (citing Newburyport Water Co. v. Newburyport, 193 U.S. 561, 579 (1904))).*

Summary

The passage provides insight into the standards for federal court jurisdiction, emphasizing that claims must not be frivolous or insubstantial to invoke federal jurisdiction. This is a general standard applicable to any federal lawsuit, including those against state court officials.

[Glaspie v. Holmes, No. 3:17-CV-3171-B-BH \(N.D. Tex. Jun 03, 2019\)](#)

U.S. District Court — Northern District of Texas

Extract

Plaintiff sues under 42 U.S.C. § 1983. Section 1983 'provides a federal cause of action for the deprivation, under color of law, of a citizen's 'rights, privileges, or immunities secured by the Constitution and laws' of the United States' and 'afford[s] redress for violations of federal statutes, as well as of constitutional norms.' *Livadas v. Bradshaw*, 512 U.S. 107, 132 (1994). To state a claim under § 1983, Plaintiff must allege facts that show (1) he has been deprived of a right secured by the Constitution and the laws of the United States; and (2) the deprivation occurred under color of state law.

Summary

Requirements that must be met to state a claim under § 1983, which includes showing a deprivation of a constitutional right and that the deprivation occurred under color of state law.

[McCoy v. Ndoumou](#)

U.S. District Court — Eastern District of Texas

Extract

Title 42 U.S.C. § 1983 creates a cause of action against any person who, acting under color of state law, causes a person to be deprived of a federally-protected constitutional right. *Gomez v. Toledo*, 446 U.S. 635, 640 (1980); *Phillips v. Monroe Cnty.*, 311 F.3d 369, 373 (5th Cir. 2002). *Section 1983 provides: Every person who, under color of any statute, ordinance, regulation, custom or usage, of any state. ... subjects, or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured* 42 U.S.C. § 1983.

Summary

Legal basis for filing a lawsuit in federal court against state officials for constitutional violations under 42 U.S.C. § 1983. It outlines that any person acting under state law who causes a deprivation of constitutional rights can be held liable. This is directly relevant to the question as it addresses the legal standards for such lawsuits.

[Smith v. Clark, No. 5:19-CV-00675-JKP \(W.D. Tex. Sep 29, 2020\)](#)

U.S. District Court — Western District of Texas

Extract

Plaintiffs' operative complaint, see ECF No. 29, asserts causes of action under 42 U.S.C. § 1983 against the individual defendants for (a) malicious prosecution; (b) false arrest; (c) retaliatory arrest; (d) illegal search; and (e) failure to intervene... '[A] Bivens action is the federal analog to suits brought against state officials under Rev. Stat. § 1979, 42 U.S.C. § 1983.' *Hartman v. Moore*, 547 U.S. 250, 254 n.2 (2006) (citations omitted); see also *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971). *'Section 1983 provides a federal cause of action for the deprivation, under color of law, of a citizen's rights, privileges, or immunities secured by the Constitution and laws of the United States.'* *Livadas v. Bradshaw*, 512 U.S. 107, 132 (1994) (citation and internal quotation marks omitted). *'[T]here can be no § 1983 liability unless the plaintiff has "suffered a constitutional violation. ... at the hands of. ... a state actor.'* *Doe ex rel. Magee v. Covington Cty. Sch. Dist.*, 675 F.3d 849, 867 (5th Cir. 2012) (en banc). *'Plaintiffs suing governmental officials in their individual capacities. ... must allege specific conduct giving rise to a constitutional violation. This standard requires more than constitutional assertions: The plaintiff must allege specific facts giving rise to the constitutional claims.'* *Oliver v. Scott*, 276 F.3d 736, 741 (5th Cir. 2002) (citations omitted).

Summary

The passage provides insight into the legal standards and requirements for filing a lawsuit in federal court against state court officials in Texas for alleged constitutional violations. It explains that under 42 U.S.C. § 1983, a plaintiff must allege that a state actor, acting under color of state law, deprived them of a constitutional right. The plaintiff must provide specific facts that give rise to the constitutional claims, rather than mere assertions. This is applicable to cases where individuals sue governmental officials in their individual capacities for constitutional violations.

[Robinson v. UTMB, Civil Action 1:21cv494 \(E.D. Tex. Mar 05, 2024\)](#)

U.S. District Court — Eastern District of Texas

Extract

Federal Rule of Civil Procedure 12(b)(1) requires dismissal of an action if the court lacks jurisdiction over the subject matter of Plaintiff's complaint. ... The doctrine of qualified immunity affords protection to officials against individual liability for civil damages "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." ... Title 42 U.S.C. § 1983 authorizes a suit in equity, or other proper proceeding for redressing violations of the Constitution and federal law by those acting under color of state law. ... Sovereign immunity prohibits "private suits against

nonconsenting states in federal court.” ... The Eleventh Amendment bars claims against a state brought pursuant to 42 U.S.C. § 1983.

Summary

The passage outlines several key legal standards and requirements relevant to filing a lawsuit in federal court against state court officials in Texas for alleged constitutional violations. It discusses the jurisdictional requirements under Federal Rule of Civil Procedure 12(b)(1), the doctrine of qualified immunity, the authorization under 42 U.S.C. § 1983 for suits against those acting under color of state law, and the limitations imposed by sovereign immunity and the Eleventh Amendment. These elements are crucial for understanding the legal framework and potential obstacles when filing such lawsuits.

[Davis v. Weatherford Mun. Court, Civil Action No. 4:19-cv-00502-P-BP \(N.D. Tex. Dec 20, 2019\)](#)

U.S. District Court — Northern District of Texas

Extract

Section 1983 provides a claim against anyone who 'under color of any statute, ordinance, regulation, custom, or usage, of any State' violates another's constitutional rights." Whitley v. Hanna, 726 F.3d 631, 638 (5th Cir. 2013), cert. denied, ___ U.S. ___, 134 S. Ct. 1935 (2014). "To state a section 1983 claim, 'a plaintiff must (1) allege a violation of a right secured by the Constitution or laws of the United States and (2) demonstrate that the alleged deprivation was committed by a person acting under color of state law.'

Summary

The passage provides the legal standard for filing a lawsuit under Section 1983, which is applicable to cases where a plaintiff alleges constitutional violations by state actors. The requirements include alleging a violation of a constitutional right and demonstrating that the violation was committed by someone acting under state law. This is relevant to the question as it outlines the foundational legal standards for such lawsuits in federal court.

[Hamby v. Richards, Civil Action 1:20-CV-185 \(E.D. Tex. Aug 18, 2022\)](#)

U.S. District Court — Eastern District of Texas

Extract

Title 42 U.S.C. § 1983 creates a cause of action against any person who, acting under color of state law, causes a person to be deprived of a federally-protected constitutional right. Gomez v. Toledo, 446 U.S. 635, 640 (1980); Phillips v. Monroe Cnty., 311 F.3d 369, 373 (5th Cir. 2002). Section 1983 provides: Every person who, under color of any statute, ordinance, regulation, custom or usage, of any state. ... subjects, or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured 42 U.S.C. § 1983. In order to state a cause of action under § 1983, a plaintiff must allege two elements. "First, the Plaintiff must allege that some person has deprived him of a federal right. Second, he must allege that the person who has deprived him of that right acted under color of state or territorial law." Gomez v. Toledo, 446 U.S. 635, 640 (1980).

Summary

Requirements for stating a cause of action under § 1983, which include alleging a deprivation of a federal right and that the deprivation was carried out under color of state law. This is generally applicable to cases involving constitutional violations by state actors.

[Dugas v. United States, CIVIL ACTION NO. 2:19-CV-302 \(S.D. Tex. Oct 30, 2019\)](#)

U.S. District Court — Southern District of Texas

Extract

Plaintiff alleges no specific facts in support of any § 1983 claims against either the State of Texas or the Judicial System for Texas. Furthermore, the Eleventh Amendment states that '[t]he Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.' U.S. CONST.amend XI. 'This withdrawal of jurisdiction effectively confers an immunity from suit.' P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 144 (1993). Therefore, 'an unconsenting State is immune from suits brought in federal courts by her own citizens as well as by citizens of another State.' Edelman v. Jordan, 415 U.S. 651, 663 (1974) (citations omitted).

Summary

The passage provides insight into the legal standards and requirements for filing a lawsuit in federal court against state court officials in Texas. It highlights the Eleventh Amendment's role in conferring immunity to states from suits in federal courts, unless the state consents to the suit or Congress has abrogated that immunity. This is relevant to understanding the limitations and requirements when attempting to file such lawsuits.

U.S. District Court — Eastern District of Texas

Extract

Title 42 U.S.C. § 1983 creates a cause of action against any person who, acting under color of state law, causes a person to be deprived of a federally-protected constitutional right. Gomez v. Toledo, 446 U.S. 635, 640 (1980); Phillips v. Monroe Cnty., 311 F.3d 369, 373 (5th Cir. 2002). Section 1983 provides: Every person who, under color of any statute, ordinance, regulation, custom or usage, of any state. ... subjects, or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured 42 U.S.C. § 1983. In order to state a cause of action under § 1983, a plaintiff must allege two elements. "First, the Plaintiff must allege that some person has deprived him of a federal right. Second, he must allege that the person who has deprived him of that right acted under color of state or territorial law." Gomez v. Toledo, 446 U.S. 635, 640 (1980). The doctrine of qualified immunity affords protection against individual liability for civil damages to officials "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Hope v. Pelzer, 536 U.S. 730, 739 (2002) (quoting Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)). Qualified immunity is intended to protect all officials, except those who are plainly incompetent or who knowingly violate the law. Malley v. Briggs, 475 U.S. 335, 341 (1986). Federal courts use a two-part test to determine whether the defendants are entitled to qualified immunity. Freeman v. Texas Dep't of Crim. Just., 369 F.3d 854, 863 (5th Cir. 2004).

Summary

Requirements for filing a lawsuit under 42 U.S.C. § 1983, which is the primary legal mechanism for addressing constitutional violations by state officials. To file such a lawsuit, a plaintiff must allege that a person acting under color of state law deprived them of a federal right. Additionally, the passage discusses the doctrine of qualified immunity, which protects state officials from liability unless they violate clearly established rights. This is relevant to lawsuits against state court officials, as they may claim qualified immunity as a defense.

U.S. District Court — Northern District of Texas

Extract

Plaintiffs sue under 42 U.S.C. § 1983. Section 1983 "provides a federal cause of action for the deprivation, under color of law, of a citizen's 'rights, privileges, or immunities secured by the Constitution and laws' of the United States." Livadas v. Bradshaw, 512 U.S. 107, 132 (1994). It "afford[s] redress for violations of federal statutes, as well as constitutional norms." Id. To state a claim under § 1983, a plaintiff must allege facts that show (1) he has been deprived of a right secured by the Constitution and laws of the United States; and (2) the deprivation occurred under color of state law.

Summary

Requirements for stating a claim under § 1983, which includes showing a deprivation of a constitutional right and that the deprivation occurred under color of state law.

U.S. District Court — Southern District of Texas

Extract

A plaintiff alleging a § 1983 cause of action against government officials in their individual capacities must make specific factual allegations that support each individual's role in the constitutional deprivation at issue. ... The Eleventh Amendment does not grant immunity when a section 1983 claim is asserted against a state official in his personal capacity. Hafer v. Melo, 502 U.S. 21 (1991).

Summary

To file a lawsuit in federal court against state court officials in Texas for alleged constitutional violations, a plaintiff must make specific factual allegations under § 1983 that support each individual's role in the constitutional deprivation. Additionally, while the Eleventh Amendment provides immunity to state officials sued in their official capacities, it does not grant immunity when a § 1983 claim is asserted against a state official in their personal capacity.

U.S. District Court — Western District of Texas

Extract

Plaintiff raises claims under Section 1983 arguing that Defendant violated Plaintiff's rights under the First, Fourth, and Fourteenth Amendments, as well as the Texas Constitution and several Texas statutes, with all claims based on Defendant's alleged unlawful arrest of Plaintiff while he was sharing his religious beliefs in a public forum. In his Motion to Dismiss, Defendant argues that he is entitled to qualified immunity because 'under the totality of the circumstances with which

Defendant Nash was confronted with at the time his actions were objectively reasonable.'

Summary

The passage provides insight into the legal standards for filing a lawsuit in federal court against state officials for constitutional violations. It highlights the use of Section 1983 as a legal basis for such claims, which allows individuals to sue for violations of constitutional rights. Additionally, it mentions the defense of qualified immunity, which state officials can invoke if their actions were objectively reasonable under the circumstances.

[Cook v. City of Tyler, 402 F.Supp.3d 339 \(E.D. Tex. 2019\)](#)

U.S. District Court — Eastern District of Texas

Extract

In Heck, the Supreme Court held that 'in order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254.' 512 U.S. at 483–84, 114 S.Ct. 2364. 'A claim for damages bearing that relationship to a conviction or sentence that has not been so invalidated is not cognizable under § 1983.' Id. at 484, 114 S.Ct. 2364 (emphasis in original). 'Thus, when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.' Id. The Court further explained that this is not 'an exhaustion requirement,' but rather an issue of accrual: 'a § 1983 cause of action for damages attributable to an unconstitutional conviction or sentence does not accrue until the conviction or sentence has been invalidated.' Id. at 489–90, 114 S.Ct. 2364.

Summary

This requirement is not about exhausting state remedies but about the accrual of the cause of action.

[Navarrette v. Isbell, CIVIL ACTION NO. H-13-2678 \(S.D. Tex. Mar 04, 2015\)](#)

U.S. District Court — Southern District of Texas

Extract

Defendants argue that Plaintiff's claims are barred by the statute of limitations. Since there is no federal statute of limitations for § 1983 and ADA claims, the Court must borrow the most analogous limitations period from state law. See Frame v. City of Arlington, 657 F.3d 215, 237 (5th Cir. 2013) (en banc); Whitt v. Stephens Cnty., 529 F.3d 278, 282 (5th Cir. 2008); Jacobsen v. Osborne, 133 F.3d 315, 319 (5th Cir. 1998). For § 1983 and ADA claims, the Court applies Texas's two-year personal injury limitations period. See TEX. CIV. PRAC. & REM. CODE § 16.003; Brockman v. Tex. Dep't of Criminal Justice, 397 F. App'x 18, 21 (5th Cir. 2010); see also Crostleyv. Lamar Cnty., Tex., 717 F.3d 410, 421 (5th Cir. 2013); Whitt, 529 F.3d at 282. This means that Plaintiff had two years from the time that his claims accrued to file a civil rights complaint concerning these allegations. 'Federal law governs when a claim accrues, beginning when a 'plaintiff knows or has reason to know of the injury which is the basis of the action.'

Summary

The passage provides information on the statute of limitations for filing a lawsuit under § 1983 and the ADA in federal court. It explains that since there is no federal statute of limitations for these claims, the court borrows the most analogous limitations period from state law, which in Texas is a two-year personal injury limitations period. This is crucial for understanding the timeframe within which a plaintiff must file a lawsuit for alleged constitutional violations by state court officials.

[Eustice v. Tex. A & M Univ., CIVIL ACTION NO. 4:15-CV-03180 \(S.D. Tex. Sep 30, 2016\)](#)

U.S. District Court — Southern District of Texas

Extract

Motions filed under Rule 12(b)(1) of the Federal Rules of Civil Procedure allow a party to challenge the subject-matter jurisdiction of the district court to hear a case. Fed. R. Civ. P. 12(b)(1). Federal courts are of limited jurisdiction, possessing only those powers conferred by the Constitution and Congress. Halmekangas v. State Farm Fire & Cas. Co., 603 F.3d 290, 292 (5th Cir. 2010); see also Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994). Accordingly, ensuring that a federal court has proper jurisdiction 'is fundamental and necessary before touching the substantive claims of a lawsuit.' Arena v. Graybar Elec. Co., Inc., 669 F.3d 214, 223 (5th Cir. 2012).

Summary

The passage highlights the importance of subject-matter jurisdiction in federal courts, which is a fundamental requirement before addressing the substantive claims of a lawsuit. This is relevant when considering filing a lawsuit against state court officials in federal court, as the court must have the proper jurisdiction to

hear the case.

[Jackson v. Harris Cnty., CIVIL ACTION NO. H-17-3885 \(S.D. Tex. Feb 26, 2020\)](#)

U.S. District Court — Southern District of Texas

Extract

To overcome summary judgment on a municipal liability claim, a plaintiff must 'demonstrate a dispute of fact as to three elements: that (1) an official policy (2) promulgated by the municipal policymaker (3) was the moving force behind the violation of a constitutional right.' Webb, 925 F.3d at 214 (quoting Davidson v. City of Stafford, 848 F.3d 384, 395 (5th Cir. 2017), as revised (Mar. 31, 2017)). An official policy may consist of written policy statements, ordinances, or regulations, a widespread practice that is so common and well-settled as to constitute a custom that fairly represents municipal policy, or the acquiescence of a person or entity with 'final policymaking authority.' Peterson v. City of Fort Worth, 588 F.3d 838, 847 (5th Cir. 2009).

Summary

The passage provides insight into the legal standards required to establish a municipal liability claim under 42 U.S.C. § 1983, which is relevant when filing a lawsuit in federal court for constitutional violations. It outlines the necessity of proving an official policy that was the moving force behind the violation, which is a critical component in such cases.

[Tex. Civ. Prac. and Rem. Code § 117.003 Tex. Civ. Prac. and Rem. Code § 117.003 Civil Immunity For and Indemnification of State Officials, Employees, and Contractors](#)

Extract

(a) Except as provided by Subsection (d), an elected or appointed state official or a state employee or contractor is immune from liability for damages arising from a cause of action under state law resulting from an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the state. (b) Except as provided by Subsection (d), the state shall indemnify an elected or appointed state official or a state employee or contractor for damages arising from a cause of action under federal law resulting from an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the state. (d) Subsections (a) and (b) do not apply if the court or jury determines that the state official, employee, or contractor acted in bad faith, with conscious indifference, or with recklessness.

Summary

Texas law provides immunity to state officials, employees, and contractors from liability for damages under state law and indemnification for damages under federal law when acting within the scope of their duties to enforce specific criminal laws. However, this immunity and indemnification do not apply if the actions were taken in bad faith, with conscious indifference, or with recklessness. This is relevant to the question as it outlines the conditions under which state officials may be protected from lawsuits, including those filed in federal court, and the exceptions to such protections.

[Tex. Civ. Prac. and Rem. Code § 107.002 Tex. Civ. Prac. and Rem. Code § 107.002 Effect of Grant of Permission](#)

Extract

the state does not grant permission to be sued in any federal court.

Summary

The passage from Tex. Civ. Prac. and Rem. Code § 107.002 explicitly states that the state of Texas does not grant permission to be sued in any federal court. This indicates that, under this statute, there is no provision for filing a lawsuit in federal court against the state or its officials for alleged constitutional violations. The statute outlines the conditions under which the state may be sued, but it specifically excludes federal court jurisdiction.

[Overview of the federal court system](#)

Legal Secretary Federal Litigation - James Publishing - Pamela Everett Nollkamper - 2023-05-01

Extract

There are four types of jurisdictions of the U.S. District Court: 1. Federal question jurisdiction; 2. Diversity jurisdiction; 3. Exclusive jurisdiction; and 4. Pendent jurisdiction. Federal question jurisdiction involves disputes arising under the Constitution, laws and treaties of the United States. These cases must involve an issue which is federal in nature or include a violation of one's federal rights under the Constitution, or contain a claim based upon federal law (28 U.S.C. §1331).

Summary

General overview of the types of jurisdiction that U.S. District Courts have, which is applicable to the question of filing a lawsuit in federal court.

[Compensatory damages are not for everyone: section 1997e\(e\) of the Prison Litigation Reform Act and the overlooked amendment.](#)

Notre Dame Law Review - University of Notre Dame Law School - Levine, Eleanor M. - 2017-05-01

Extract

Additionally, the Supreme Court recognized a prohibition on excessive force, access to sufficient healthcare, religious freedom, access to prison libraries, and due process rights for prisoners. (23) Furthermore, the Court clarified that state facilities had a duty to protect people in their care, premised on the notion that if a prison restrains a person's freedom so much that 'it renders him unable to care for himself, and at the same time fails to provide for his basic human needs ... it transgresses the substantive limits on state action set by [the Constitution].' (24) ... A prisoner who has been subjected to sexual abuse may bring either a Bivens claim (106) or a [section] 1983 (107) claim against prison officials. (108) A prisoner may bring a Bivens claim if a federal officer violates his constitutional rights. (109) Meanwhile, a prisoner utilizing a [section] 1983 claim has a cause of action against a state official acting under 'color of law' for violating his rights under federal law. (110)

Summary

The passage provides insight into the legal standards and requirements for filing a lawsuit in federal court against state officials for constitutional violations. It highlights that prisoners can bring claims under 42 U.S.C. § 1983 against state officials acting under "color of law" for violations of federal rights. This is relevant to the question as it outlines the legal framework and potential claims that can be pursued in federal court.

[COMPLETELY EXHAUSTED: EVALUATING THE IMPACT OF WOODFORD V. NGO ON PRISONER LITIGATION IN FEDERAL COURTS.](#)

University of Pennsylvania Law Review - University of Pennsylvania, Law School - Stern, Elana M. - 2018-05-01

Extract

ATTENTION: READ BEFORE PROCEEDING If you are filing a civil claim in a federal district court, you must exhaust all available administrative remedies first. Under the Prison Litigation Reform Act (42 U.S.C. [section] 1997e(a)), this means that you must go through grievance procedures available at the facility where you are incarcerated. If the prison grievance proceeding does not end in your favor, you must then appeal the decision until there are no more administrative remedies left to pursue. In Woodford v. Ngo, 548 U.S. 81 (2006), the Supreme Court decided that incarcerated persons must properly exhaust all available remedies before filing a claim in federal court. This means meeting all relevant deadlines in filing your grievance(s). Failure to comply with the procedural requirements set out by the state, and then filing a federal civil claim, may result in dismissal for failure to exhaust administrative remedies.

Summary

The passage provides insight into the requirement for prisoners to exhaust all available administrative remedies before filing a lawsuit in federal court, as mandated by the PLRA and clarified in the Supreme Court decision Woodford v. Ngo. This requirement is crucial for prisoners alleging constitutional violations by state court officials, as failure to meet these procedural prerequisites can lead to dismissal of their claims.

[STANDING FOR NOTHING.](#)

Notre Dame Law Review - University of Notre Dame Law School - Mikos, Robert A. - 2019-05-01

Extract

Texas filed its lawsuit in federal court, likely the only permissible forum because it had named the United States and sundry federal officials as defendants. And because it was the party invoking the federal court's jurisdiction, Texas had to establish its own standing. (33) To meet its burden, Texas claimed two distinct injuries. First, it claimed that because DAPA had changed the legal status of some undocumented immigrants, the State would have to issue driver's licenses to DAPA beneficiaries. (34) But because the State charged license fees that did not cover the costs of issuing licenses (i.e., it subsidized driver's licenses), the State would suffer a financial loss as a result; (35) in other words, Texas claimed an injury to its proprietary interests.

Summary

Requirements for a state, such as Texas, to establish standing when filing a lawsuit in federal court. It highlights that the state must demonstrate a concrete injury to establish standing, as Texas did by claiming financial loss due to a federal program. This is relevant to understanding the legal standards for filing a lawsuit in federal court, as it emphasizes the necessity of demonstrating standing through a concrete injury.

[Part two: case summaries by major topic.](#)

Detention and Corrections Caselaw Quarterly - CRS, Inc. - 2015-02-01

Extract

A pretrial detainee brought an action against a district attorney and prison officials, among others, alleging various constitutional violations pursuant to [section] 1983, statutory violations under the Americans with Disabilities Act (ADA) and the Rehabilitation Act (RA), as well as state law claims, all related to her alleged unlawful detention for seven months. The district attorney and prison officials moved to dismiss. The district court granted the motions in part and denied in part. The court held that the detainee sufficiently alleged an official policy or custom, as required to establish local government liability for constitutional torts, by alleging that failures of the district attorney and the prison officials to implement policies designed to prevent the constitutional deprivations alleged, and to adequately train their employees in such tasks as processing paperwork related to detention, created such obvious dangers of constitutional violations that the district attorney and the prison officials could all be reasonably said to have acted with conscious indifference.

Summary

The passage provides insight into the legal standards for filing a lawsuit under Section 1983 against state officials for constitutional violations. It highlights the necessity of alleging an official policy or custom that leads to constitutional torts and the requirement to demonstrate failures in policy implementation and employee training that result in constitutional violations. This is relevant to the question as it outlines the legal framework for holding state officials accountable in federal court for constitutional violations.

[THE INCONSISTENT ORIGINALISM OF JUDGE-MADE REMEDIES AGAINST FEDERAL OFFICERS.](#)

Notre Dame Law Review - University of Notre Dame Law School - Vladeck, Stephen I. - 2021-05-01

Extract

While all of this was happening, though, the Supreme Court has never evinced similar skepticism to judge-made claims for prospective relief. To the contrary, in a series of cases involving suits seeking relief for constitutional violations by state officers, the Court repeatedly asserted not just the validity of judge-made injunctive relief, but its necessity to 'promote the vindication of federal rights.' (48) *Thus, although the Eleventh Amendment, (49) as interpreted by the Supreme Court, foreclosed suits directly against nonconsenting states even for constitutional violations, (50) courts could enjoin state officers who acted in violation of the Constitution without running afoul of sovereign immunity (and, apparently, without arrogating Congress's power to expressly authorize such suits). (51)*

Summary

Legal standards for seeking injunctive relief against state officers for constitutional violations. It highlights that the Supreme Court has consistently upheld the validity of judge-made injunctive relief to enforce federal rights, even when the Eleventh Amendment limits direct suits against states. This suggests that federal courts can enjoin state officers who violate the Constitution, providing a pathway for plaintiffs to seek relief without requiring express congressional authorization.

[Pleading](#)

Litigating Employment Discrimination Cases. Volume 1-2 - James Publishing - Andrew H. Friedman - 2023-05-01

Extract

Federal Rule of Civil Procedure 8(a)(1) provides that the complaint must contain "a short and plain statement of the grounds for the court's jurisdiction." In order to properly plead federal question jurisdiction, the plaintiff must identify the particular constitutional provision or federal statute upon which jurisdiction is based. Additionally, the plaintiff should indicate that federal jurisdiction is based on the federal statute authorizing federal question jurisdiction—28 U.S.C. §1331. For example: Jurisdiction is conferred on this Court by [insert citation to specific constitutional provision or federal law—for example, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-5(f)] and 28 U.S.C. §1331.

Summary

The passage provides guidance on the requirements for pleading federal question jurisdiction in federal court. It specifies that the complaint must include a short and plain statement of the grounds for the court's jurisdiction, identify the specific constitutional provision or federal statute that confers jurisdiction, and indicate that federal jurisdiction is based on 28 U.S.C. §1331. This is relevant to filing a lawsuit in federal court against state court officials for constitutional violations, as such a case would likely involve federal question jurisdiction.

[QUALIFIED IMMUNITY AND UNQUALIFIED ASSUMPTIONS.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Ravenell, Teresa E. - 2022-01-01

Extract

*42 U.S.C. [section] 1983 provides a victim of constitutional violations with a federal civil remedy. It reads in pertinent part: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress As the Supreme Court explained in *Mitchum v. Foster*, 407 U.S. 225, 242 (1972), 'The very purpose of [section] 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights--to protect the people from unconstitutional action under color of state law.'*

Summary

The passage provides insight into the legal framework for filing a lawsuit in federal court against state court officials for alleged constitutional violations. It highlights that 42 U.S.C. § 1983 is the federal statute that allows individuals to seek redress for constitutional violations committed under color of state law. The passage also references the Supreme Court's interpretation of the statute's purpose, emphasizing the role of federal courts in protecting individuals' federal rights from unconstitutional state actions.

[IV. Pleading and Filing the Section 1983 Lawsuit](#)

Sword and Shield: A Practical Approach to Section 1983 Litigation (ABA) - American Bar Association

Extract

Federal Rule of Civil Procedure 8, which sets forth the general rules of pleading, requires that a claim for relief contain only 'a short and plain statement of the claim showing that the pleader is entitled to relief.'... In 2007, however, the Supreme Court changed course. In Bell Atlantic Corp. v. Twombly, the Court held that plaintiffs must plead 'enough facts to state a claim to relief that is plausible on its face.'... Two years later, in Ashcroft v. Iqbal, the Court applied the rule announced in Twombly to a civil rights case and made clear that the new plausibility standard applied to all federal claims.

Summary

Pleading standards under Federal Rule of Civil Procedure 8, which requires a "short and plain statement" of the claim. The Supreme Court's decisions in Twombly and Iqbal further refined this standard, requiring that the claim be "plausible on its face." This standard applies to all federal claims, including those under Section 1983, which is relevant for lawsuits against state court officials for constitutional violations.

[LITIGATING IMPERFECT SOLUTIONS: STATE CONSTITUTIONAL CLAIMS IN FEDERAL COURT.](#)

Constitutional Commentary - Constitutional Commentary, Inc. - Morley, Michael T. - 2020-09-22

Extract

Ex parte Young created an exception to state sovereign immunity, holding that the Eleventh Amendment generally does not prohibit suits against state officers for injunctive relief against violations of the U.S. Constitution. (104) The Court reasoned that state officers who violate the U.S. Constitution act without official authority, since a state cannot authorize constitutional violations. (105) In such cases, the officer is 'stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct.' (106) The suit 'does not affect the State in its sovereign or governmental capacity.' (107)

Summary

State officers acting in violation of the U.S. Constitution are considered to be acting without official authority, thus allowing them to be sued in their individual capacity without affecting the state's sovereign immunity.

[Chapter 2-IV. PLEADING AND FILING THE SECTION 1983 LAWSUIT](#)

Sword and Shield: A Practical Approach to Section 1983 Litigation (ABA) - American Bar Association

Extract

Federal Rule of Civil Procedure 8, which sets forth the general rules of pleading, requires that a claim for relief contain only 'a short and plain statement of the claim showing that the pleader is entitled to relief.'... In 2007, however, the Supreme Court changed course. In Bell Atlantic Corp. v. Twombly, the Court held that plaintiffs must plead 'enough facts to state a claim to relief that is plausible on its face.'... Two years later, in Ashcroft v. Iqbal, the Court applied the rule announced in Twombly to a civil rights case and made clear that the new plausibility standard applied to all federal claims.

Summary

The passage provides insight into the pleading standards required for filing a lawsuit in federal court, specifically under Federal Rule of Civil Procedure 8. It highlights the shift from the "no set of facts" standard to the "plausibility" standard established by Twombly and Iqbal, which applies to all federal claims, including those under Section 1983. This is relevant for lawsuits against state court officials for constitutional violations, as it outlines the level of detail and factual basis required in the complaint.

[POLICING SUSPICION: QUALIFIED IMMUNITY AND "CLEARLY ESTABLISHED" STANDARDS OF PROOF.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Stoughton, Seth W. - 2022-01-01

Extract

In essence, [section] 1983 created a cause of action that allowed individuals to bring a civil suit against those who violated their constitutional or federal rights under the color of state law. ... Section 1983 is limited to officials who act under color of state law, and so is inapplicable to federal officials.

Summary

The passage provides insight into the legal framework under which individuals can file lawsuits against state officials for constitutional violations. Specifically, it highlights that Section 1983 of the U.S. Code allows individuals to bring civil suits against state officials who violate constitutional rights under the color of state law. This is directly relevant to the question as it outlines the legal basis for such lawsuits in federal court.

[NOT JUST A PROCEDURAL CASE: THE SUBSTANTIVE IMPLICATIONS OF KNICK FOR STATE PROPERTY LAW AND FEDERAL TAKINGS DOCTRINE.](#)

Fordham Urban Law Journal - Fordham Urban Law Journal - Dana, David A. - 2020-04-01

Extract

Section 1983 of the United States Code affords 'any citizen of the United States or other person within the jurisdiction thereof' to sue 'at law [and] in equity' seeking remedies for 'deprivation[s] of any rights, privileges, or immunities secured by the Constitution-----'

Summary

The passage provides insight into the legal standards for filing a lawsuit in federal court under Section 1983. It indicates that any citizen or person within the jurisdiction can sue for deprivations of constitutional rights. This is relevant to the question as it outlines the basic legal framework for bringing such a lawsuit in federal court, which would include cases against state court officials in Texas for alleged constitutional violations.

[TAKING FROM STATES: SOVEREIGN IMMUNITY'S PRECLUSIVE EFFECT ON PRIVATE TAKINGS OF STATE LAND.](#)

Stanford Law & Policy Review - Stanford Law School - Danis, Jennifer - 2021-01-01

Extract

This is not to suggest that no remedy exists when a private party has a claim against state governments. Of course, private individuals may sue state officers for unconstitutional or illegal acts, but there is a fundamental difference between suits against a state and suits against state officers. (94) Although other forms of immunity may attach where a suit is against a state officer, only states may invoke state sovereign immunity.

Summary

While states themselves are protected by sovereign immunity, state officers can be sued for their actions, which aligns with the principles established in cases like *Ex parte Young*.

[PREGNANT AND DETAINED: CONSTITUTIONAL RIGHTS AND REMEDIES FOR PREGNANT IMMIGRANT DETAINEES.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Bamaby, Natalie Avery - 2021-03-22

Extract

state and local officials 'literally are persons,' a suit brought against an official in their official capacity is not a suit against the individual official; rather, it is a suit against the official's office or the government entity itself. (244) As a result, officials cannot be held personally liable for damages in official capacity suits. Instead, plaintiffs can only recover damages from the government entity. (245) On the other hand, personal capacity suits impose personal liability on the individual defendant, and any damages awarded come out of the official's personal assets. (246) ... The Supreme Court has held that while local governments and municipalities are 'persons' under Section 1983, (247) state governments are not and cannot be sued. (248) Thus, if the officer sued in his official capacity is employed by the state, the suit will be dismissed; (249) if the officer sued in his official capacity is employed by a local government, it will be treated as a municipal suit and allowed to proceed. (250) In addition to not being 'persons' for the purpose of Section 1983, state officers sued in their official capacity and state offices are also protected by sovereign immunity, and so cannot be sued for damages. (251) ... State and municipal officers sued in their personal capacities are protected by a different type of immunity--qualified immunity, which is recognized as 'the most critical issue in Section 1983 litigation.' (252) Officials sued in their personal capacity under Section 1983 can claim qualified immunity if they acted reasonably, which means their actions did not violate clearly established federal law. (253)

Summary

The passage provides insight into the legal standards and requirements for filing a lawsuit against state court officials in Texas for alleged constitutional violations. It explains the distinction between official capacity and personal capacity suits, the applicability of Section 1983, and the concept of sovereign and qualified immunity. It highlights that state officials cannot be sued for damages in their official capacity due to sovereign immunity, but local government officials can be sued under Section 1983. Personal capacity suits can be pursued against individual officials, but they may claim qualified immunity if their actions did not violate clearly established federal law.

[PLAINLY INCOMPETENT: HOW QUALIFIED IMMUNITY BECAME AN EXCULPATORY DOCTRINE OF POLICE EXCESSIVE FORCE.](#)

University of Pennsylvania Law Review - University of Pennsylvania, Law School - Obasogie, Osagie K. - 2022-01-01

Extract

Qualified immunity defenses arise in response to constitutional tort claims against police use of excessive force made through 42 U.S.C. [section] 1983. Part I anchors the conversation concerning qualifying immunity in the history of constitutional tort litigation stemming from [section] 1983, a federal civil rights statute enacted after the Civil War to allow formerly enslaved people to bring civil causes of action against government officials who violated their constitutional rights. Enacted in 1871 yet dormant for several decades, it is against this backdrop that qualified immunity first emerged in 1967. This Part examines the historical ebbs and flows of [section] 1983 litigation as context for understanding the emergence and power of qualified immunity as a shield to excessive force claims.

Summary

The passage provides insight into the legal framework for filing lawsuits against state officials for constitutional violations under 42 U.S.C. § 1983. It highlights the role of qualified immunity as a defense in such cases, which is relevant to understanding the legal standards and requirements for filing a lawsuit in federal court. The passage explains the historical context and evolution of § 1983 litigation and the emergence of qualified immunity as a defense mechanism.

[The Myth of Personal Liability: Who Pays When Bivens Claims Succeed.](#)

Stanford Law Review - Stanford Law School - Pfander, James E. - 2020-03-01

Extract

For the next decade, the Supreme Court and lower courts read Bivens broadly as creating a general claim for damages caused by constitutional violations, akin to [section] 1983 claims against state and local government officials. (33) The Supreme Court extended Bivens from the Fourth Amendment to sex discrimination claims under the Fifth Amendment, and to claims brought against prison officials under the Eighth Amendment. (34) During this time, lower courts often assumed that Bivens extended liability against federal officials that was as broad as the liability created by statute in [section] 1983. (35) At the same time, the Court described Bivens as establishing that 'the victims of a constitutional violation by a federal agent have a right to recover damages against the official in federal court despite the absence of any statute conferring such a right.' (36)

Summary

The passage provides insight into the legal framework for constitutional claims against state and local officials, specifically through Section 1983, which is analogous to Bivens actions against federal officials. This is relevant to the question as it highlights the legal basis for filing such lawsuits in federal court, particularly focusing on constitutional violations.

[Federal Civil Rights Litigation Pursuant to 42 U.S.C. §1983 as a Correlate of Police Crime](#)

Criminal Justice Policy Review - Sage Publications, Inc. - 2019-03-01

Extract

The statute reads, Every person, who under color of any statute, ordinance, regulation, custom, or usage, of any State of territory, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any right, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

Summary

The passage provides insight into the legal standards for filing a lawsuit under 42 U.S.C. §1983, which is a federal statute that allows individuals to sue for constitutional violations. It specifies that judicial officers are generally immune from injunctive relief unless a declaratory decree was violated or declaratory relief was unavailable. This is relevant to lawsuits against state court officials in Texas for alleged constitutional violations.

[Texas Courts And Subject Matter Jurisdiction](#)

Extract

Standing is a constitutional prerequisite to maintaining a suit under both federal and Texas law. The standing requirement stems from two limitations on subject matter jurisdiction: the separation-of-powers doctrine and, in Texas, the open courts provision. Under the Texas Constitution, standing is implicit in the open courts provision, which contemplates access to the courts only for those litigants suffering an injury. Specifically, the open courts provision provides: All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law. TEX. CONST. art. I, ' 13 (emphasis added). A plaintiff's standing to assert a claim is a component of a trial court's subject matter jurisdiction, and subject matter jurisdiction is essential to a court's authority to decide a case. Standing must exist at the time a plaintiff files suit and must continue to exist between the parties at every stage of the

legal proceedings, including the appeal. In federal courts, to satisfy Article III standing under the U.S. Constitution-i.e., the limitation on judicial power to resolve only 'Cases' and 'Controversies'-a plaintiff must suffer an injury in fact that is fairly traceable to the defendant's conduct and likely to be redressed by a favorable judicial decision. The Texas standing requirements parallel the federal test for Article III standing, demanding a concrete injury to the plaintiff and a real controversy between the parties that will be resolved by the court. Accordingly, Texas courts often look to federal courts for guidance on the standing doctrine.

Summary

Requirement of standing, which is a constitutional prerequisite for maintaining a lawsuit in both federal and Texas courts. It explains that standing is necessary for subject matter jurisdiction, which is essential for a court's authority to decide a case. The passage outlines that standing requires a plaintiff to have suffered an injury that is traceable to the defendant's conduct and likely to be redressed by a favorable decision. This requirement is consistent in both Texas and federal courts, and Texas courts often look to federal courts for guidance on this doctrine.

[The Ultra Vires Exception To Sovereign Immunity In Texas](#)

Extract

The Texas Supreme court defined an ultra vires claim as 'an action to determine or protect a private party's rights against a state official who has acted without legal or statutory authority,' and did not confine ultra vires acts to acts taken 'outside' the agency's jurisdictional authority.

Summary

The Texas Supreme Court allows for ultra vires claims against state officials who act without legal or statutory authority. This is relevant to the question as it provides a potential legal avenue for filing a lawsuit against state court officials in Texas for alleged constitutional violations, specifically when those officials act beyond their legal authority.

This memo was compiled by Vincent AI based on vLex materials available as of April 25, 2025. [View full answer on vLex](#)