



## **Crawford v. Collin County Detention Facility**

2022 | Cited 0 times | E.D. Texas | August 18, 2022

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

CHRISTOPHER CRAWFORD, Plaintiff, v. COLLIN COUNTY DETENTION FACILITY,  
Defendant.

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CIVIL ACTION NO. 4:20-CV-668-RAS-CAN

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE Pending before the Court is Defendant Collin County Detention Facility Motion to Dismiss [Dkt. 28]. After reviewing the Motion to Dismiss, and all other relevant filings, the Court recommends the Motion to Dismiss be GRANTED, and further recommends claims against Collin County Detention Facility be DISMISSED, as set forth herein.

BACKGROUND On September 2, 2020, pro se his Complaint in the Eastern District of Texas [Dkt. 1]. Collin County Detention Facility and Collin

County Detention Facility [Dkt. 1 at 2]. to proceed in forma pauperis and ordered him to pay an initial partial filing fee [Dkt. 4], 1

On January 4, 2022, the Court entered a Show Cause Order, directing Defendant to answer or [Dkt. 26].

1 On April 7, 2021, this case was transferred to U.S. District Judge Richard A. Schell [Dkt. 9]

Complaint the live pleading asserts a § 1983 claim against Defendant Collin County Detention ) [Dkt. 1]. 1 at 4]. Underlying these claims, Plaintiff

alleges his Eighth Amendment and Fourteenth Amendment rights were violated because his case(s) were dismissed by the court released



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by the Collin County Detention Facility only to be rearrested days late [Dkt. 1 at 4; 1-1 at 1]. As injury, he pleads

that when they in fact allowed me to leave 1 at 5]. Plaintiff seeks

\$100,000.00 in monetary compensation for pain and suffering, lost wages, and hospital bills related to his stroke [Dkt 1 at 5].

MOTION TO DISMISS On January 16, 2022, Defendant Collin County Detention Facility filed the instant Motion to Dismiss [Dkt. 28]. s under Rule 12(b)(6) 2

is proper because it is a nonjural entity, and its lack of jural existence renders it incapable of being sued [Dkt. 28 at 4-7]. On January 18, 2022, the Court ordered Plaintiff to file a response to the Motion to Dismiss [Dkt. 30]. Plaintiff requested an extension of time to respond to the Motion [Dkt. 33], which the Court granted, permitting Plaintiff to file a response no later than

2 Defendants seek relief under Rule 12(b)(6). A 12(b)(6) motion to dismiss argues that, irrespective of jurisdiction, the complaint fails to assert facts that give rise to legal liability of the defendant. FED. R. CIV. P. 12(b)(6); see *Evans v. Reeves Cnty. Det. Ctr.*, No. P-09-CV- Bowling v. Clerk of Ct., Fifth Dist. Ct. of App., No. 4:18-CV-610-ALM-CAN, 2019 WL 2526533, at \*5 (E.D. Tex. Mar. 8, 2019) (finding Rule 12(b)(6) the proper vehicle for a motion to dismiss based upon claims against a nonjural entity), report and recommendation adopted sub nom. *Bowling v. Dahlheimer*, No. 4:18-CV-610, 2019 WL 3712025 (E.D. Tex. Aug. 7, 2019), reconsideration denied, No. 4:18-CV-610, 2020 WL 5096569 (E.D. Tex. Aug. 28, 2020); *Cortes v. Havens*, No. 3:14-CV-1044- [a non

May 31, 2022 [Dkt. 34]. Plaintiff received notice of such extension of time on March 18, 2022 [Dkt. 35]. To date, Plaintiff has not filed a response to the Motion. 3

The pending Motion to Dismiss presents a narrow issue of law: whether the Collin County Detention Facility has jural existence and can be proper party to this action [Dkt. 28 at 4-7]. Under the Federal Rules of Civil Procedure, a party in a lawsuit must have the capacity to be sued. FED. R. CIV. P. *Hutchinson v. Box*, No. 4:10-CV-240, 2010 WL 5830499, at \*1

(E.D. Tex. Aug. 20, 2010) (quoting FED. R. CIV. P. 17(b)), report and recommendation adopted, No. 4:10-CV-240, 2011 WL 839864 (E.D. Tex. Feb. 17, 2011). An agency or department of a state may not be sued unless it *Hebrew v. Gonzalez*, No. 21- 20585, 2022 WL 1316214, at \*1 (5th Cir. May 3, 2022) (per curiam) (quoting *Darby v. Pasadena*, 939 F.2d 311, 313 (5th Cir. 1991)). *Darby* ss the true political entity has taken explicit steps to grant the servient agency with jural authority, the *Halton v. Duplantis*, No. 3:12-CV-4274-B-BH, 2013 WL 1148758, at \*4 (N.D. Tex. Mar. 1, 2013) (quoting *Darby*, 939 F.2d at 313), report and recommendation adopted, No. 3:12-CV-4274-B, 2013 WL 1155436 (N.D. Tex. Mar. 20, 2013). Plaintiff has the burden of showing a state department has capacity to be sued;



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legal entity having jural authority, then claims against that entity should be dismissed as frivolous

R , 4:20-CV-00007-SDJ-CAN, 2020 WL 8513792, at \*3 (E.D. Tex. Dec. 2, 2020), report and recommendation adopted, 4:20- CV-007-SDJ, 2021 WL 515398 (E.D. Tex. Feb. 11, 2021).

3 See Local Rule CV- rein creates a presumption

Plaintiff has not alleged that the Collin County Detention Facility has been granted the power to sue or be sued by Collin County, nor that it has jural authority to engage in litigation. The CCDF does not have a separate legal existence. The Eastern District of Texas and other federal courts in Texas have repeatedly and jail or detention facility is a nonjural entity that is not amenable to suit. 4

This Court has, in turn, applied this principle to CCDF in numerous prior cases, finding CCDF subject to dismissal due to its lack of jural existence. See Marr v. Collin Cnty. Det. Ctr., No. 4:20-CV-273-RAS-KPJ, 2021 WL 4166945, at \*3 (E.D. Tex. July 19, 2021) (collecting As this Court has repeatedly held, the [Collin County] Detention Center is a non-jural entity. , report and recommendation adopted, No. 4:20-CV-273-RAS-KPJ, 2021 WL 4148954 (E.D. Tex. Sept. 11, 2021); Propp v. Plano , No. CIV.A.4:03 CV 87, 2005 WL 1177880, at \*4 (E.D. Tex. May 18, 2005) (dismissing the CCDF for lack of jural existence). 5

dismissed with prejudice for failure to state a claim because the Collin County Detention Facility is a nonjural entity with no capacity to be sued. 6

4 See, e.g., White v. Ermatinger, No. 3:21-CV-3037-D- report and recommendation adopted, No. 3:21-CV-3037-D, 2022 WL 94171 (N.D. Tex. Jan. 10, 2022); Hatton v. Harris Cnty. Jail, No. CV H-18-1948, 2019 West v. Lew Sterrett Just. Ctr. of Dallas Cnty., No. 1:15-CV-219- held that entities without a separate jural existence are not subject to suit-and specifically that the Lew Sterrett Justice Center is not a separate legal entity. 5 a dozen opinions issued by the Eastern District of Texas for this well-established proposition [Dkt. 28 at 5-6]. See e.g., Smith v. Collin Cnty. Jail, No. 4:11-cv-801 (E.D. Tex. June 6, 2012), ECF Nos. 37, 51 (dismissing Collin County Jail as not a separate legal entity subject to suit); Newman v. Collin Cnty. Det. Facility, No. 4:10-cv-463 (E.D. Tex. Mar. 3, 2011), ECF Nos. 37, 39; Watts v. Smart, No. 4:07-CV-443 (E.D. Tex. Mar. 18, 2008), ECF Nos. 63, 68; Hannah v. Box, No. 4:06-cv-39 (E.D. Tex. Nov. 6, 2006), ECF Nos. 22, 25; Dunn v. Collin Cnty. Det. Facility, 4:05-cv-406 (E.D. Tex. Apr. 24, 2006), ECF Nos. 20, 23; Robinson v. Collin Cnty. Det. Facility, No. 4:05-cv-158 (E.D. Tex. Sept. 8, 2005), ECF Nos. 21, 32; Fox v. Collin Cnty. Det. Facility, No. 4:04-cv- 88 (E.D. Tex. June 15, 2005), ECF Nos. 52, 58; Hernandez v. Collin Cnty. Det. Facility, No. 4:03-cv-17 (E.D. Tex. Sept. 17, 2004), ECF Nos. 26, 28. 6 Dismissal with prejudice is appropriate in this case. See Fuller v. Henderson Cnty., No. 6:16CV1301, 2018 WL 4087559, at \*2 (E.D. Tex. Aug. 6, 2018) (dismissing -jural entity), report and recommendation adopted, No. 6:16CV1301, 2018 WL 4053779 (E.D. Tex. Aug. 24, 2018).



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t listed as a Defendant to this suit, Plaintiff the Court notes had , or should Plaintiff request to amend to add it

as a party, 7

fice would be subject to sua sponte dismissal because it is also a nonjural entity. 8

See Marshall, 2022 WL 671009, at \*3; Story v. Ellis Cnty. Ct. 40th Dist., No. 3:19-CV-1994-B-BN, 2019 WL 5580143, at \*1 (N.D. Tex. Aug. 30, 2019) (sua sponte against nonjural entities), report and recommendation adopted, No. 3:19-CV-1994-B, 2019 WL 5579468 (N.D. Tex. Oct. 29, 2019) 9

See Marshall v. Abbott, No. 4:21-CV-384-SDJ-CAN, 2022 WL 671009, at \*3 (E.D. Tex. Feb. must be dismissed with prejudice under Rule 12(b)(6) for failure to state a claim because the Collin

County Sheriff report and recommendation adopted, No. 4:21-CV-384, 2022 WL 659159 (E.D. Tex. Mar. 4, 2022); Charboneau v. Davis, No. 4:13-CV-00678-ALM-CAN, 2017 WL 9250306, at \*6 (E.D. Tex. Feb. 7

-jural entities as defendants an opportunity to amend to name a defendant with the capacity to be sued before dismissal of the complaint. West, 2015 WL 1651539, at \*3 n.4 (citing Parker v. Fort Worth Police Dep t, 980 F.2d 1023, 1026 (5th Cir.1993)). However, leave to amend is not warranted where Plaintiff had notice that the party sued lacks jural existence but fails to move to amend or even respond to the Motion. See Jackson v. Tarrant Cnty. Corr. Ctr., No. 4:21-CV-187-O, 2021 WL 4805083, at \*4 (N.D. dismiss and/or file an amended complaint. The Defendants raised the non-jural entity issue in both motions to dismiss. Thus, Plaintiff was properly alerted of this issue , report and recommendation adopted, No. 4:21-CV-00187-O, 2021 WL 4803800 (N.D. Tex. Oct. 14, 2021). In addition usions, and complaint and thus show the Court that his case should not be dismissed with prejudice at this time and that the Court should instea Ermatinger, 2021 WL 6339266, at \*2 (citing Scott v. U.S. Bank Nat l Ass n, 16 F.4th 1204, 1209 (5th Cir. 2021) (per curiam)). 8 The court possesses the inherent authority to dismiss a party (or claims) sua sponte. McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988) (citing Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)). 9 ces to lack jural existence. See Chumley v. Smith Cnty. Off., No. 6:18-CV-336, 2018 WL 6933462, at \*1 (E.D. Tex. Nov. 6, 2018), report and recommendation adopted, No. 6:18-CV-336, 2019 WL 108485 (E.D. Tex. Jan. is a non-jural entity); see also Thomas v. Harris Cnty. Sheriff No. H-18-1800, 2019 WL 1201984, at \*2 (S.D. Tex. Mar. 14, 2019); Phillips , No. 3:16-CV-2680-D, 2017 WL 658749, at \*2 (N.D. Tex. Jan. 12, 2017), report and recommendation adopted, No. 3:16-CV-2680-D, 2017 WL 635086 (N.D. Tex. Feb. 16, 2017).

Defendants jural authority [] the Court recom report and recommendation

adopted sub nom. Charboneau v. Box, No. 4:13-CV-678, 2017 WL 1159765 (E.D. Tex. Mar. 29, 2017). 10



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**CONCLUSION AND RECOMMENDATION** For the foregoing reasons, the Court recommends that Defendant Collin County Detention Facility [Dkt. 28] be GRANTED, and Defendant be DISMISSED WITH PREJUDICE as set forth herein.

It is further recommended that Plaintiff be advised that this dismissal counts as a strike under 28 U.S.C. § 1915, and that should he accumulate three strikes, he may be denied in forma pauperis status and be required to pay the full filing fee when filing additional civil actions or appeals unless he demonstrates that he is in imminent danger of serious physical injury. 11

serve and file specific written objections to the findings and recommendations of the magistrate

judge. 28 U.S.C. § 636(b)(1)(C). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and sp 10

See also Sullivan v. Lanier, No. 4:20-cv-277 (E.D. Tex. June 15, 2020), ECF No. 31 (dismissing Collin County, No. 4:10-cv-558) (E.D. Tex. Jan. 18, 2011), ECF No. 24; Hutchinson, 2010 WL 5830499, at \*1; Brewer v. Collin Cnty., No. 4:99-cv-256 (E.D. Tex. Aug. 3, 2000); Smocks v. Ingram, No. 4:00-cv-141 (E.D. Tex. June 29, 2000). 11 Dismissal for failure to state a claim is grounds for a strike under the PLRA. 28 U.S.C. § 1915(g); Lomax v. Ortiz- Marquez or not with preju This includes dismissal of a county jail for lack of jural existence. See Ermatinger, 2021 WL 6339266, at \*2; White v. Ellis Cnty. Comm rs Ct., No. 3:19-CV-3017-M-BH, 2021 WL 2446200, at \*3 (N.D. Tex. May 19, 2021), report and recommendation adopted, No. 3:19-CV-3017-M-BH, 2021 WL 2435352 (N.D. Tex. June 15, 2021).

determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific, written objections will bar the party from appealing the unobjected- to factual findings and legal conclusions of the magistrate judge that are accepted by the district court, except upon grounds of plain error, provided that the party has been served with notice that such consequences will result from a failure to object. , 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc), superseded by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

