United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
June 2, 2026
Lyle W. Cayce
Clerk

No. 25-40513

Bruce Dwain Copeland,

Plaintiff—Appellant,

versus

Ruth Anne Thornton, *individually*; Brenda Griffin, *individually*; Katie Andrews, *individually*,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:24-CV-697

Before King, Higginson, and Duncan, *Circuit Judges*.

Per Curiam:*

Plaintiff–Appellant Bruce Dwain Copeland appeals the dismissal of his case against Defendant–Appellees Ruth Ann Thornton, Breanna Griffin, and Katie Andrews. For the following reasons, we AFFIRM.

* This opinion is not designated for publication. *See* 5th Cir. R. 47.5.

I. Background Facts

Copeland sued three Texas state officials over facts stemming from three different cases: two involving the Texas Attorney General's Office ("OAG") Child Support Division about payment obligations, and another involving the revocation of his probation in a criminal case in Collin County.

In the first child support case, Copeland alleges that, in 2004, the mother of his child obtained a child support order from California. When he moved to Oklahoma, the child's mother consequently transferred her support case to Oklahoma. According to Copeland, in 2013 the Oklahoma state court entered default judgment against California Child Support Services and deemed his obligation paid in full. But "[t]o circumvent the judgment of the [c]ourt," Copeland alleges, the mother "attempted to transfer the dismissed case from Oklahoma to Texas." In 2020, Assistant Attorney General Breanna Griffin in the Child Support Division of the Texas OAG, allegedly "harass[ed]" Copeland by trying to get payments from the dismissed Oklahoma case. As a result, Copeland filed suit in federal court against Griffin, which the court dismissed without prejudice, and Griffin "stopped the harassment." However, Copeland alleges that on June 18, 2024, he received a notice from his brokerage firm that Griffin had placed a lien on his account.[1]

In the second child support case, Copeland alleges that in 2017, Ruth Anne Thornton, the Director of the Child Support Division of the Texas OAG, issued a child support order requiring Copeland to provide support for

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[1] After Griffin filed her motion to dismiss, Copeland emailed Griffin's counsel, Assistant Attorney General Roy Adams, stating that he has "since learned [Adams's client] did not" "file[] documents on [his] account with Fidelity to attempt to freeze the funds." He claimed he would be "filing a motion to dismiss [Adams's] client and add the individual that actually sent the lien documents to Fidelity." No dismissal was ever filed, and this email exhibit was not addressed by the district court or by parties in their briefing.

his youngest child. He alleges that around 2021, he, the child, and her mother moved to Louisiana, so on August 15, 2021, the child's mother asked Thornton to close the Texas case. However, Thornton allegedly "continues to bill and maintain a case in Texas when 'all' parties reside in Louisiana."

Finally, in the probation case, Copeland allegedly took his son out-of-state to a football camp in 2017, violating the custody order. Copeland pled guilty and was sentenced to probation, which required him to attend certain classes. Katie Andrews, a probation officer for Collin County Community Supervision and Corrections Department, was assigned as his probation officer. In 2020, Copeland contacted Andrews to request an extension on his class requirement because he "was concerned about returning to in-person classes" due to the Covid-19 pandemic. Copeland alleges that, based on the email response from Andrews, he believed he had received an extension and thereby completed his classes in 2021. But while undergoing a background check for a job, Copeland was advised that there was a warrant against him "for failure to complete his classes during the original probation period." He claims Andrews issued this arrest warrant.

Copeland, proceeding pro se, filed suit in the Northern District of Texas[2] against the Texas OAG Child Support Division and Collin County 318th District Court. Twelve days later, he filed an amended complaint against Thornton, Griffin, and Andrews. In Count One, he claims that the defendants violated 42 U.S.C. § 1983; specifically, Andrews "knowingly violated Federal Pandemic order by issuing a warrant," and "Griffin has been given the Judgment issued by the Oklahoma Court." His Count Two claimed "abuse of office," because the "efforts to maintain his cases in Texas where **none** of the parties reside, violates the law," and therefore, "each [defendant] violated their oaths of office[]."Count Three requested

[2] The case was later transferred to the Eastern District of Texas.

declaratory relief; that the court "declare[] the child support case was closed in 2013 and the probation order from 2017 was completed and closed." Copeland also sought monetary damages.

All three defendants filed separate motions to dismiss. Griffin and Andrews argued, *inter alia*, that they were entitled to absolute or qualified immunity, and Thornton argued that she was entitled to qualified immunity. Copeland responded to Griffin and Thornton's motions to dismiss, but he did not respond to Andrews's motion to dismiss.

During the proceedings, Copeland filed a motion for declaratory judgment, reiterating his desire that the court declare that the Oklahoma case is closed, the Texas OAG cannot collect payments, and the Texas child support case is closed.

A magistrate judge entered a Report and Recommendation ("R&R") that the court dismiss the claims without prejudice on the basis of absolute, and in the alternative qualified, immunity. Regarding qualified immunity, the magistrate judge found that Copeland had not alleged facts that demonstrated any defendant violated his constitutional rights. The R&R also recommended that the motion for declaratory judgment be denied as moot.

Copeland filed objections to the R&R, arguing that he had adequately alleged constitutional violations. He asserted that the "[e]nforcement of obligations judicially determined to be satisfied" violated his substantive due process rights; "[c]ontinued enforcement without notice and opportunity to be heard regarding Oklahoma judgment" violated his procedural due process rights; "[s]elective enforcement against Plaintiff while similarly situated individuals are not pursued" violated his equal protection rights; and "[r]efusal to honor valid sister state judgment" violated his Full Faith and Credit rights.

The district court adopted the R&R in full, granting all three motions to dismiss and denying as moot Copeland's motion for declaratory judgment. Copeland timely appeals.

II. Legal Standard

"[O]ur court reviews *de novo* the grant of a qualified-immunity-based motion to dismiss," *Carmona v. City of Brownsville*, 126 F.4th 1091, 1096 (5th Cir. 2025), "accepting all well-pleaded facts as true and drawing all inferences in favor of the plaintiff," *McClelland v. Katy Indep. Sch. Dist.*, 63 F.4th 996, 1004 (5th Cir. 2023). However, we "do not accept conclusory allegations, unwarranted factual inferences, or legal conclusions." *McKay v. LaCroix*, 117 F.4th 741, 746 (5th Cir. 2024).

III. Discussion

Copeland contends that the district court erred in granting the defendants immunity and in dismissing his claims without considering alternative forms of relief.[3] We first address the qualified immunity[4] arguments before turning to the declaratory relief argument.

A. Qualified Immunity

Copeland argues that each defendant violated his constitutional rights under the Substantive Due Process, Procedural Due Process, Equal Protection, and Full Faith and Credit Clauses, and that his complaint

[3] Copeland also argues that the district court erred in adopting the magistrate judge's factual findings because the magistrate judge incorrectly stated that he "concealed from the [c]ourt the fact that the judgment he references was vacated." However, that line does not exist at the cited page, or anywhere in the R&R. As such, we deem the argument meritless.

[4] We choose not to address the absolute immunity arguments.

identified the "specific constitutional rights violated (due process, equal protection, Full Faith and Credit)."

We first find that Copeland did not identify the specific constitutional rights within the four corners of his complaint; nowhere is there any mention of any of the stated constitutional provisions or how the defendants' actions allegedly violated those provisions. However, given that Copeland is a pro-se litigant, his objections to the R&R could be considered new allegations and thus a motion to amend, which the district court "implicitly denied" when it did not address them. *See Ogbebor v. Hardy*, No. 24-30403, 2025 WL 586822 (5th Cir. Feb. 24, 2025) (citing *Moler v. Wells*, 18 F.4th 162, 167–68 (5th Cir. 2021)). Such conduct can constitute an abuse of discretion, but here it does not because—as we demonstrate below—allowing the amendment would have been futile. *See Marucci Sports, L.L.C. v. Nat'l Collegiate Athletic Ass'n*, 751 F.3d 368, 378 (5th Cir. 2014). Additionally, it was not an abuse of discretion because "the justification for the denial is 'readily apparent,'" so the "failure to explain 'is unfortunate but not fatal to affirmance . . . ." *Id.* (quoting *Mayeaux v. La. Health Serv. & Indem. Co.*, 376 F.3d 420, 426 (5th Cir. 2004)).

1. Applicable Law

"An amendment is futile if it would fail to survive a Rule 12(b)(6) motion." *Id.* "To state a claim pursuant to § 1983, plaintiff must '(1) allege a violation of rights 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.'" *Thompson v. Hedrick*, 838 F. App'x 121, 122 (5th Cir. 2021) (quoting *Leffall v. Dall. Indep. Sch. Dist.*, 28 F.3d 521, 525 (5th Cir. 1994)).

"Qualified immunity shields federal and state officials from money damages unless a plaintiff pleads facts showing (1) that the official violated a

statutory or constitutional right, and (2) that the right was 'clearly established' at the time of the challenged conduct." *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011). To survive a motion to dismiss based on qualified immunity, the plaintiff "must plead specific facts that both allow the court to draw the reasonable inference that the defendant is liable for the harm he has alleged and that defeat a qualified immunity defense with equal specificity." *Jackson v. City of Hearne*, 959 F.3d 194, 201 (5th Cir. 2020) (citation modified). "The plaintiff has the burden of establishing a constitutional violation and overcoming a qualified immunity defense." *Id.* (citation modified) (citing *McClendon v. City of Columbia*, 305 F.3d 314, 323 (5th Cir. 2002) (en banc) (per curiam)).

Both due process claims require a deprivation of a constitutionally protected interest. "To assert a substantive due process claim, a party must allege a constitutional deprivation and demonstrate that the state action lacks a 'rational relationship to a legitimate governmental interest.'" *Brookwood Dev., L.L.C. v. City of Ridgeland*, No. 24-60017, 2024 WL 4835244, at *3 (5th Cir. Nov. 20, 2024) (quoting *Cripps v. La. Dep't of Agric. & Forestry*, 819 F.3d 221, 232 (5th Cir. 2016)). "A procedural due process claim turns on (1) whether there exists a liberty or property interest which has been interfered with by the State, and (2) whether the procedures attendant upon that deprivation were constitutionally sufficient. Without a cognizable interest in liberty or property, there is nothing subject to Due Process protections and our inquiry ends." *James v. Cleveland Sch. Dist.*, 45 F.4th 860, 864 (5th Cir. 2022) (citation modified).

As for an equal protection claim, a plaintiff "must [allege] purposeful discrimination resulting in a discriminatory effect among persons similarly situated." *Baranowski v. Hart*, 486 F.3d 112, 123 (5th Cir. 2007) (quoting *Adkins v. Kaspar*, 393 F.3d 559, 566 (5th Cir. 2004).

Finally, the Full Faith and Credit Clause does not give "rise to a right vindicable in a § 1983 action." *Adar v. Smith*, 639 F.3d 146, 153 (5th Cir. 2011) (en banc).

2. Defendants

Copeland fails to overcome any of the defendants' assertions of qualified immunity because he does not sufficiently allege a violation of his statutory or constitutional rights. His allegations are either conclusory or do not show any of the requirements for the asserted constitutional provisions. He does not allege that any defendant deprived him of a constitutionally protected right, that their action was not rationally related to a legitimate governmental interest, that any procedures were constitutionally insufficient, or that any defendant engaged in purposeful discrimination among persons similarly situated to himself. Additionally, while Copeland alleged in his complaint that Andrews "knowingly violated Federal pandemic order by issuing a warrant," he neither provided a citation for this alleged order nor explained how Andrews's conduct violated it.

Because Copeland's allegations were insufficient to show that any defendant violated a statutory or constitutional right, he failed to overcome the defendants' assertion of qualified immunity or state a § 1983 claim. Therefore, the district court neither abused its discretion because amendment would have been futile nor erred in granting qualified immunity.

B. Declaratory Relief

Copeland alleges that the district erred because it dismissed the case pursuant to immunity when immunity does not protect the defendants from his request for declaratory relief.

Copeland is correct that absolute and qualified immunity are defenses only to monetary damages. *Robinson v. Hunt Cnty.*, 921 F.3d 440, 452 (5th

Cir. 2019) ("Qualified immunity, however, is a defense to monetary damages and 'do[es] not extend to suits for injunctive relief under 42 U.S.C. § 1983.'" (quoting *Valley v. Rapides Par. Sch. Bd.*, 118 F.3d 1047, 1051 n.1 (5th Cir. 1997))); *cf. Orellana v. Kyle*, 65 F.3d 29, 33 (5th Cir. 1995) ("Neither absolute nor qualified immunity extends to suits for injunctive or declaratory relief under § 1983." (quoting *Chrissy F. by Medley v. Miss. Dep't of Pub. Welfare,* 925 F.2d 844, 849 (5th Cir. 1991))); *Severin v. Par. of Jefferson*, 357 F. App'x 601, 605 (5th Cir. 2009) ("The judges are protected from [appellant's] claim for an award of monetary damages by their absolute immunity.").

Nonetheless, we find this situation analogous to *Fitts v. Crain*, 108 F. App'x 865 (5th Cir. 2004) (per curiam). In *Fitts*, the plaintiff sued school officials under § 1983 because her teaching contract was not renewed. *Id.* at 867. She requested "only monetary damages and a declaratory judgment that the defendants' acts and omissions violated her rights under the Constitution and laws of the United States." *Id.* at 869. The defendants asserted qualified immunity, and the district court dismissed the complaint because, *inter alia*, "[the plaintiff] had no constitutional right to a renewed contract." *Id.* at 867. "[T]he district court did not specifically deny the request for declaratory judgment, but held that [the plaintiff's] federal claims did not entitle her to relief." *Id.* at 869.

We agreed with the district court, explaining that because the plaintiff "failed to plead facts showing that she has a property interest in employment under Texas law," she "had no constitutional right to due process, as the district court held." *Id.* at 868–69. Regarding the plaintiff-appellant's argument that the "district court erred by dismissing her claims for declaratory . . . relief," we explained that "[t]o be entitled to a declaratory judgment, a plaintiff must show that there is an actual case or controversy under Article III of the Constitution." *Id.* at 869 (citing *Lawson v. Callahan*, 111 F.3d 403, 404–05 (5th Cir. 1997)). "Because [the plaintiff] failed to make

such a showing, her appeal from the implied denial of declaratory relief ha[d] no merit." *Id.*

Similarly here, Copeland requested monetary damages and a declaratory judgment that a child support case and probation order were closed, which—like in *Fitts*—was not a request for injunctive or prospective relief. Thus, to be entitled to the requested declaratory relief, Copeland had to "show that there [wa]s an actual case or controversy under Article III of the Constitution." *See id.* But also like *Fitts*, here, the district court determined that each defendant was entitled to qualified immunity because Copeland failed to allege a constitutional or statutory violation, to which we agreed. Therefore, there is no case or controversy, and "[Copeland's] appeal from the implied denial of declaratory relief has no merit." *See id.*

IV. Conclusion

Copeland did not sufficiently allege a constitutional or statutory violation by Griffin, Andrews, or Thornton; therefore, each defendant is entitled to qualified immunity. Accordingly, there is no case or controversy, and the district court did not err in dismissing the case without addressing the declaratory relief claim.

We AFFIRM the district court's judgment.