

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2026

Lyle W. Cayce
Clerk

No. 26-20037
Summary Calendar

SHANNAN RENEACE SOWARD,

Plaintiff—Appellant,

versus

ANDREW FOULDS, *Officer, In his Official and Individual Capacity*; CITY
OF ROSENBERG,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:25-CV-5325

Before HIGGINBOTHAM, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Plaintiff-Appellant Shannon Reneace Soward, proceeding *pro se*, appeals the district court's dismissal, pursuant to Federal Rule of Civil Procedure 12(b)(6), of her claims, asserted under 42 U.S.C. § 1983, against Defendants-Appellees Andrew Foulds and the City of Rosenberg, Texas.

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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Soward also appeals the district court's order denying her motion seeking to alter the court's judgment. We AFFIRM.

I.

On September 12, 2025, Foulds, a City of Rosenberg police officer, stopped Soward's vehicle, reasoning that she had violated the Texas Transportation Code by failing to signal a lane change and by not yielding to an emergency vehicle. Utilizing a pre-printed form and an electronic signature device to issue a citation for the latter offense, Foulds requested Soward's signature, informing her that that signing was "not an admission of guilt, just a promise to appear." According to Soward, she then asked for a pen or stylus so that "she could annotate her signature" by "add[ing] other verbiage[.]" At that point, Soward alleges, Foulds "became hostile, told her to 'just use [your] finger, questioned 'what are you writing,' and demanded the [electronic signature] device back." When Soward then "expressed that she felt forced to sign . . . [,] Foulds immediately threatened her with arrest, stating, 'If you don't sign it, I got to take you to jail.'" Soward then signed the device with the notation 'By: Shannon Reneace Soward, under threat, duress, and coercion.'"

In response, "Foulds erased [Soward's] signature in front of her, stating, 'That's not going to cut it for a signature,' and forced her to sign again in the manner he dictated." Also, according to Soward:

Foulds escalated by asking about [Soward's] 19-year-old son ([who was] present in the car), questioning whether someone could pick him up if she was arrested. When [Soward] answered no, he stated, "Then I would advise signing this. If you don't, that means I don't know if you are going to pay the ticket—I mean, take care of it—which means I'm going to have to take you to jail. Period." This shows coercion through intimidation and misrepresentation.

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[Soward] signed a second time under threat, duress, and coercion. Officer Foulds acknowledged that she could “notify the judge,” then gave her a pre-printed citation that did not contain her signature, indicating that the original notation had been deleted.

II.

Alleging violations of the Fourth and Fourteenth Amendments to the United States Constitution, Soward sued the City of Rosenberg and Foulds under 42 U.S.C. § 1983, asserting claims based upon the September 2025 traffic stop, the resulting citation, and the related municipal court proceedings. On December 12, 2025, Foulds and the City of Rosenberg filed a motion seeking dismissal with prejudice, pursuant to Rule 12(b)(6) and 28 U.S.C. § 1915, of Soward’s claims. Thereafter, on December 23, 2025, Soward filed a motion seeking leave to file documents through the district court’s CM/ECF system. Accompanying the motion for leave, which appears in duplicate, was a certificate of service (referencing only the motion for leave to file) and a transmittal letter, addressed to the clerk of court, indicating that Soward’s motion and “Response in Opposition to Defendants’ Motion to Dismiss” were enclosed. But there is no responsive memorandum from Soward in the record on appeal.

On December 30, 2025, the district court denied Soward’s motion seeking leave to file electronically. And nine days later, on January 8, 2026, the district court issued an order and final judgment denying Soward’s claims.

On January 13, 2026, Soward filed a “Motion to Alter or Amend the Judgment Pursuant to Fed. R. Civ. P. 59(e).” In support of her motion, she argued that she had timely submitted a response to the defendants’ motion, that any delay in it being docketed was beyond her control, and that the district court’s dismissal under those circumstances constituted manifest

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injustice. Two days later, on January 15, the district court denied Soward's motion. This appeal followed.

III.

“We review *de novo* the grant of a Rule 12(b)(6) motion to dismiss. *Allen v. Hays*, 65 F.4th 736, 743 (5th Cir. 2023) (citing *Lampton v. Diaz*, 639 F.3d 223, 225 (5th Cir. 2011)). To avoid dismissal under Rule 12(b)(6), “the complaint must contain ‘sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.”’” *Id.* (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 663 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007))). We review the district court's denial of Soward's Rule 59(e) motion, “only for abuse of discretion,” *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990), recognizing that “[r]econsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly.” *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004) (citation omitted).

Here, because her Rule 59(e) motion informed the district court of the clerk of court's purported clerical failure—failing to file/docket her opposing response to the motion to dismiss—Soward posits that the district court improperly denied her motion. Unfortunately, the district court's order denying Soward's motion does not recite the rationale for that ruling. Nor does the record reveal the extent of the inquiry by court personnel, if any, into whether Soward's response was, in fact, transmitted to the office of the clerk (and/or defense counsel) but then misplaced or misfiled. On the other hand, Soward's Rule 59(e) motion did not apprise the court—even in a summary fashion—of the basis of her opposition, or seek to resubmit the document for filing. Regardless, Soward's appellate challenges fail for two reasons.

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A.

First, nothing in the record before us demonstrates, or even suggests, that the district court dismissed Soward's claims simply because of her perceived failure to have timely submitted a response to the defendants' Rule 12(b)(6) motion. *See Servicios Azucareros de Venezuela, C.A. v. John Deere Thibodeaux, Inc.*, 702 F.3d 794, 806 (5th Cir. 2012) (“[F]ailure to oppose a 12(b)(6) motion is not in itself grounds for granting the motion. Rather, a court assesses the legal sufficiency of the complaint.”).

In fact, in its dismissal order, the district court, after noting the absence of an opposition memorandum and acknowledging its Local Rule 7.4 (“Failure to respond to a motion will be taken as a representation of no opposition.”), expressly stated:

Regardless of Soward's failure to respond to the pending motion to dismiss, the Court will consider the merits of Soward's complaint and each claim Defendants contend should be dismissed.

And it is apparent from the January 8 dismissal order that the district court's ruling—that Soward had failed to state a viable claim—*was* the product of that court's careful assessment of the allegations of Soward's complaint in light of governing legal principles. In other words, we are not convinced that dismissal with prejudice was the inevitable, automatic result of the district court's non-receipt of a responsive memorandum from Soward.

B.

Second, on de novo review, aided by Soward's appellate briefs, we agree with the district court's assessment: the allegations of Soward's complaint fail to state a viable legal claim under the Fourth and/or Fourteenth Amendments. And neither Soward's Rule 59 motion nor her

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appellate submissions demonstrate that amendment of her complaint would yield a plausible claim for relief.

The law is settled that, for purposes of the Fourth Amendment, a traffic stop entails a “seizure” of the driver. *See Whren v. United States*, 517 U.S. 806, 809–10 (1996) (“Temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a ‘seizure’ of ‘persons’ within the meaning of this provision.”) (citations omitted); *see also Brendlin v. California*, 551 U.S. 249 (2007) (addressing the status of passengers involved in traffic stop). “Pursuant to *Terry*, the legality of police investigatory stops is tested in two parts. Courts first examine whether the officer’s action was justified at its inception, and then inquire whether the officer’s subsequent actions were reasonably related in scope to the circumstances that justified the stop.” *United States v. Brigham*, 382 F.3d 500, 506 (5th Cir. 2004) (citing *Terry v. Ohio*, 392 U.S. 18 (1968)).

“For a traffic stop to be justified at its inception, an officer must have an objectively reasonable suspicion that some sort of illegal activity, such as a traffic violation, occurred, or is about to occur, before stopping the vehicle.” *United States v. Lopez-Moreno*, 420 F.3d 420, 430 (5th Cir. 2005) (citing *United States v. Breeland*, 53 F. 3d 100, 102 (5th Cir. 1995)); *see also United States v. Pena*, 227 F. App’x 324, 326 (5th Cir. 2007)] (“The issue . . . is not whether Defendant actually violated the statute, but whether it was reasonable for the [the officer] to believe that he had violated it.” (quoting *United States v. Ramirez*, 213 F.Supp.2d 722, 724 (S.D. Tex. 2002))). A driver’s failure to timely signal a lane change and failure to yield to an emergency vehicle, as required by Texas law, provide the requisite reasonable suspicion. TEX. TRANS. CODE § 545.104(b) (signal lane change); § 545.156 (yielding to an emergency vehicle).

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As to “whether the officer’s subsequent actions were reasonably related in scope to the circumstances that justified the stop,” *Brigham*, 382 F.3d at 506, Soward challenges Foulds’ “coercive use of arrest threats to force her signature, the erasure of her notation that she was signing under threat, duress, and coercion, and the use of her [19-year-old] son’s situation to increase pressure to comply.”

But Soward identifies no legal authority establishing that Foulds’ alleged conduct violated Texas law, the Fourth Amendment’s reasonableness requirements, or the Fourteenth Amendment’s due process protections. Notably, both the Texas Transportation Code and the Fourth Amendment generally authorize warrantless arrests for traffic offenses committed in the arresting officer’s presence. *See* TEX. TRANS. CODE § 543.001 (“Any peace officer may arrest without warrant a person committing a violation of this [‘Rules of the Road’] subtitle [§§ 541.001–600.004].”); § 542.301(a) (“A person commits an offense if the person performs an act prohibited or failed to perform an act required by [the ‘Rules of the Road’] subtitle.”); *see also Atwater v. City of Lago Vista*, 532 U.S. 318, 323, 354 (2001) (concluding Fourth Amendment permits warrantless arrests for violations of Texas law requiring seatbelts).

The Texas Transportation Code also permits police officers to issue a “written notice to appear in court,” in lieu of making a custodial arrest (which requires promptly taking the arrestee before a magistrate), for traffic violations punishable as a misdemeanor. *See* TEX. TRANS. CODE § 543.003. But avoiding custodial arrest and being “immediately taken before a magistrate” requires that the person charged “make a written promise to appear in court by signing a written notice prepared by the arresting officer.” § 543.005; *see also id.* (signature on written notice required to secure release from custody; § 543.002 (addressing “refusal to make a written promise to appear in court”)); *Berrett v. State*, 152 S.W.3d 600, 607 (Tex. App.—

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Houston [1st Dist.] 2004, pet. ref'd) (“[B]efore an officer may issue a citation and release a defendant charged with violating the Transportation Code, the defendant *must* also sign a promise to appear before a magistrate.” (citing §§ 543.002, 543.0005) (emphasis in original)).

In short, Soward complains that Foulds advised her of her options under Texas law—being arrested or signing her name (without additional annotation) on a written notice to appear in court—and told her that she could present her objections regarding his handling of the matter when she appeared in court. Such allegations fail to state a claim upon which relief may be granted under § 1983. That Foulds might have been more tactful, patient, or considerate in his interactions with Soward is beside the point.

Regarding Soward’s § 1983 claims against the City of Rosenberg, the law is clear that “every *Monell* [*v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978)] claim requires ‘an underlying constitutional violation.’” *Kitchen v. Dall. Cnty.*, 759 F.3d 468, 483 (5th Cir. 2014) (abrogated in part on other grounds) (quoting *Whitley v. Hanna*, 726 F.3d 631, 648 (5th Cir. 2013)); *see also Hicks-Fields v. Harris Cnty., Texas*, 860 F.3d 803, 808 (5th Cir. 2017) (citations omitted). With respect to the September 2025 traffic stop, since Soward’s allegations against Foulds do not establish a violation of her constitutional rights, “the City’s actions or inactions could not have led to such a violation.” *Langiano v. City of Fort Worth*, 131 F.4th 285, 294 (5th Cir. 2025). Additionally, Soward failed to allege facts from which the City’s actionable failure to train or supervise can be inferred. *Id.*

Soward’s allegations that “the municipal court handled her case in a manner that denied her a fair and neutral forum” likewise fall short of pleading an actionable due process claim. For the most part, her assertions express lack of familiarity, frustration, and confusion with various court policies and practices. Such criticisms likely are shared by many *pro se*

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litigants. But “[t]he right of self-representation does not exempt a party from compliance with relevant rules of procedural and substantive law.” *Birl v. Estelle*, 660 F.2d 592, 593 (5th Cir. 1981). “Rather, such a [pro-se] litigant acquiesces in and subjects himself to the established rules of practice and procedure.” *Id.* Furthermore, though enhanced simplicity and clarity in all governmental matters, including court policies and proceedings, is an important and worthy goal, Soward’s allegations do not permit a reasonable inference that the municipal court’s purported deficiencies constituted a deprivation of due process.

On appeal, Soward also protests the municipal court’s in-person appearance requirement. Regarding participation in court proceedings, Texas Rule of Civil Procedure 21d provides:

Unless the notice of court proceedings states otherwise, a person who participates in a court proceeding does so by physical presence in the courtroom. Upon appropriate notice by a part of the court, a court may allow or require a participant to appear at a court proceeding by videoconference, teleconference, or other available electronic means”

TEX. R. CIV. P. 21d(b)(1) (emphasis added). Objections regarding “any method of appearance” are addressed in Rule 21d(d).

This claim does not appear in Soward’s complaint and assertions not raised in the district court generally are not considered for the first time on appeal. *See Harris v. FedEx Corp. Servs., Inc.*, 92 F.4th 286, 296 (5th Cir.), *cert. denied*, 145 S. Ct. 168 (2024) (quoting *Rollins v. Home Depot USA*, 8 F.4th 393, 397–98 (5th Cir. 2021)). Likewise, Soward does not allege that she timely registered an objection in accordance Rule 21d(d). And, in any event, whether to permit a party to participate remotely is a matter of the municipal court’s discretion for which no abuse, much less a complete deprivation of an opportunity to be heard, has been pleaded.

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IV.

Having carefully considered the parties' submissions, the record in this matter, and applicable law, we find no legal error or abuse of discretion on the part of the district court. Accordingly, we AFFIRM.