

25-7169

ORIGINAL

In the Supreme Court of the United States

FILED
FEB 05 2026
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SUPREME COURT, U.S.

**Gabryelle Daniels,
Petitioner,**

v.

**Texas Department of Family and Protective Services,
et al.,
Respondents.**

Petition for a Writ of Certiorari

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit**

**Gabryelle Daniels
Petitioner, Pro Se**

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QUESTIONS PRESENTED

1. Whether a federal court violates the First and Fourteenth Amendments by dismissing a pro se, in forma pauperis civil-rights action at the 28 U.S.C. § 1915(e)(2) screening stage without granting leave to amend, where the dismissal effectively operates with prejudice because refiling would be time-barred.
2. Whether sovereign and qualified immunity doctrines may be applied at the § 1915(e)(2) screening stage in a manner that forecloses any merits review of constitutional claims arising from child-removal proceedings.
3. Whether due process requires at least one meaningful opportunity to amend before terminating a pro se civil-rights action where pleading deficiencies are potentially curable and dismissal will permanently bar the claims.

LIST OF PARTIES

Petitioner: Gabryelle Daniels

Respondents: Texas Department of Family and Protective Services; Vicki Israel; Amy Montes; Jacinoa Moaton; Melissa McClure; Duri Mistic; Dennis Kyle; Kevin Lee; Leighanna Webb.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fifth Circuit is unpublished and dated February 2, 2026, in No. 25-50965. It affirmed the judgment of the district court. The district court dismissed claims against the Texas Department of Family and Protective Services on sovereign immunity grounds and dismissed claims against the individual defendants under 28 U.S.C. § 1915(e)(2) for failure to state a claim, without granting leave to amend.

JURISDICTION

The judgment of the United States Court of Appeals for the Fifth Circuit was entered on February 2, 2026. No petition for rehearing was filed. This Court has jurisdiction under 28 U.S.C. § 1254(1). This petition is timely.

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amends. I, XIV

42 U.S.C. § 1983

28 U.S.C. § 1915(e)(2)

STATEMENT OF THE CASE

Petitioner, proceeding pro se and in forma pauperis, filed a civil-rights action under 42 U.S.C. § 1983 arising from the removal of her child by the Texas Department of Family and Protective Services ("DFPS") and related conduct by individual state actors. The complaint alleged violations of constitutional rights, including due process and family integrity.

The district court screened the complaint under 28 U.S.C. § 1915(e)(2). It dismissed all claims against DFPS with prejudice on the basis of sovereign immunity. It dismissed the claims against the individual defendants without prejudice for failure to state a claim, and did not grant leave to amend.

Because the applicable statute of limitations would bar refiling, the dismissal "without prejudice" as to the individual defendants functioned as a dismissal with prejudice, permanently terminating Petitioner's claims.

On appeal, Petitioner argued that the dismissal without leave to amend was effectively with prejudice and therefore improper. The Fifth Circuit affirmed in an unpublished per curiam opinion dated February 2, 2026, holding that the district court did not abuse its discretion in dismissing without granting leave to amend and concluding that sovereign immunity barred the claims against DFPS. The court did not reach the merits of Petitioner's constitutional claims.

REASONS FOR GRANTING THE WRIT

I. This Case Presents an Important and Recurring Question About Access to Courts for Pro Se and In Forma Pauperis Litigants.

Federal courts dismiss large numbers of civil-rights actions at the § 1915(e)(2) screening stage. For pro se and in forma pauperis litigants, that screening stage is often the only opportunity to be heard. When courts dismiss such cases without granting leave to amend—especially where the statute of limitations will bar refileing—the dismissal operates as a final, irrevocable termination of constitutional claims.

This Court has long recognized that access to the courts is a fundamental constitutional right. Yet the decision below approves a practice that allows courts to end civil-rights cases at screening without any meaningful opportunity to cure pleading defects, even when the result is functionally with prejudice. That approach is incompatible with due process and with this Court's repeated emphasis on fair access to judicial review, particularly for unrepresented litigants.

II. The Decision Below Illustrates the Systemic Use of Immunity and Screening to Avoid Merits Review of Constitutional Claims.

Here, sovereign immunity was applied at the screening stage to dismiss the agency defendant with prejudice, while the remaining claims were dismissed without leave to amend. Together, immunity doctrine and § 1915 screening operated to foreclose any merits review of Petitioner's constitutional claims.

This Court has cautioned against expanding immunity doctrines in ways that undermine constitutional accountability. Yet lower courts increasingly apply immunity at the earliest possible moment, before factual development, and in combination with screening procedures that are uniquely harsh on pro se litigants. The result is a structural barrier to civil-rights enforcement—especially in cases involving child removal and family integrity, where constitutional interests are at their apex.

III. The Circuits Apply Inconsistent Standards on When Pro Se Litigants Must Be Given Leave to Amend Before Dismissal.

Some courts require at least one meaningful opportunity to amend unless amendment would be futile. Others, including the Fifth Circuit here, permit immediate termination even when dismissal will effectively be with prejudice. This lack of uniformity creates a geographic lottery for access to justice. This Court's intervention is needed to establish a uniform constitutional baseline: when dismissal will permanently bar a claim, due process requires at least one meaningful opportunity to amend unless amendment would clearly be futile.

IV. This Case Is an Ideal Vehicle.

The Fifth Circuit's judgment is final. The issue was squarely presented and rejected. The case cleanly presents the interaction between § 1915(e)(2), immunity doctrines, and the constitutional right of access to courts, without jurisdictional or procedural complications.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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February 4 2026