

United States District Court  
Southern District of Texas

**ENTERED**

April 29, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

VERONICA MCKELVIN SMITH,

Plaintiff,

v.

CAPITAL ONE AUTO FINANCING,

*et al.*

Defendants.

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CIVIL ACTION NO. H-24-480

**MEMORANDUM AND OPINION**

Veronica Smith has sued Capital One Auto Financing and officers of the Harris County Sheriff’s Department for violating her civil rights in the course of repossessing her car. Her lawsuit is a carbon copy of a lawsuit filed by Ryon Dior Lee against the same defendants, 23-cv-3973. Ryon Dior Lee is Veronica Smith’s daughter. The defendants in the Lee case filed a motion to dismiss, and the court granted the motion but allowed the plaintiff to amend claims against the individual officers no later than March 28, 2024. The court reaches the same result here, for the same reasons. Ms. Smith’s complaint is dismissed, but Ms. Smith has leave to amend her claims against the individual officers, no later than **May 20, 2024**.

Ms. Smith’s request for immediate injunctive relief, (Docket Entry No. 4), is denied on the present record, because she fails to show a sufficient basis for such relief.

SIGNED on April 29, 2024, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge