

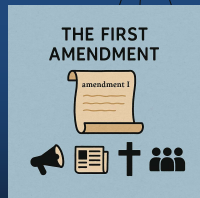
RECENT FEDERAL CASES OF INTEREST TO GOVERNMENTAL ENTITIES

RANDY MONTGOMERY
D. Randall Montgomery & Associates P.L.L.C.
Rmontgomery@drmlawyers.com

TCAA
TCAA FALL MEETING
FT. WORTH, TEXAS
OCTOBER 30, 2025

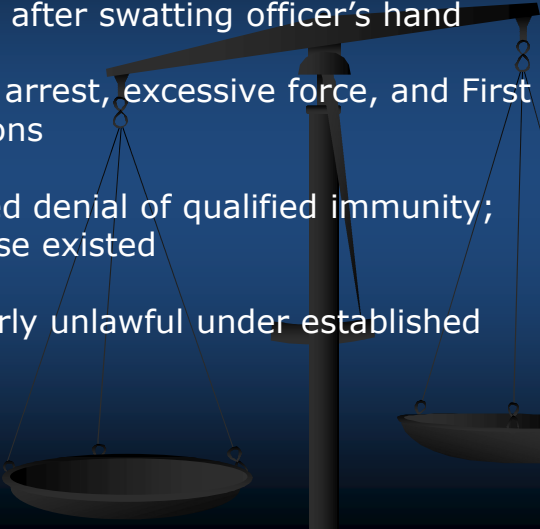
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FIRST AMENDMENT



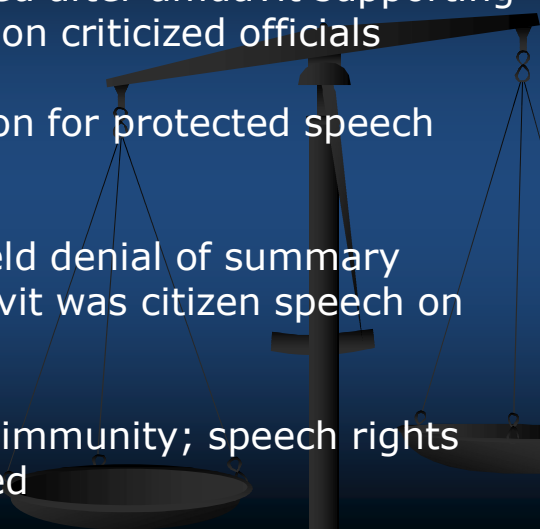
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Bailey v. Ramos

- Bailey filmed police while a friend antagonized them; was arrested after swatting officer's hand
 - Claims for unlawful arrest, excessive force, and First Amendment violations
 - Fifth Circuit reversed denial of qualified immunity; found probable cause existed
 - Force used not clearly unlawful under established law at the time
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- A stylized illustration of a balance scale, symbolizing justice or legal proceedings, set against a dark blue background.

3

Bevill v. Wheeler

- Police captain fired after affidavit supporting friend's trial motion criticized officials
 - Claimed retaliation for protected speech under § 1983
 - Fifth Circuit upheld denial of summary judgment: affidavit was citizen speech on public concern
 - No prosecutorial immunity; speech rights clearly established
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4

Hines v. Pardue

- Veterinarian gave online advice without physical exam; board found violation
- Fifth Circuit held law regulates speech, not conduct, and failed intermediate scrutiny
- State failed to show harm or tailoring; telemedicine for humans less restricted
- Court reversed; law unconstitutional as applied to Dr. Hines

5

Little v. Llano County

- Library removed 17 books after complaints; plaintiffs sued for viewpoint discrimination
- District court issued broad preliminary injunction ordering book return
- Fifth Circuit en banc reversed: removal decisions are government speech, not subject to First Amendment challenge
- Overruled prior Fifth Circuit precedent (Campbell)

6

National Federation of the Blind v. City of Arlington

- City ordinance restricted donation box placement; nonprofits sued
- District court found zoning restriction unconstitutional but upheld setbacks
- Fifth Circuit reversed; ordinance was content-neutral and narrowly tailored
- Held that zoning and setback rules left open alternative communication

7

Siders v. City of Brandon

- Plaintiff challenged protest restrictions near public amphitheater
- District court denied preliminary injunction
- Fifth Circuit upheld ordinance as narrowly tailored for public safety
- Ample alternative channels for expression preserved

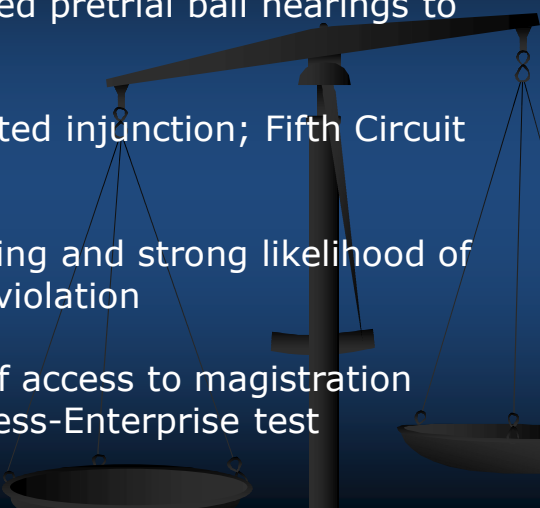
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Stanley v. Morgan

- Officer suspended for Facebook posts, later sued for retaliation
 - Lawsuit filed over one year after notice of discipline; court found it time-barred
 - Fifth Circuit ruled §1983 claims accrue when plaintiff learns of the adverse action
 - State court filings didn't toll the federal deadline—no interruption of prescription
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Texas Tribune v. Caldwell County

- County policy closed pretrial bail hearings to press and public
 - District court granted injunction; Fifth Circuit affirmed
 - Court found standing and strong likelihood of First Amendment violation
 - Reaffirmed right of access to magistration hearings under Press-Enterprise test
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FOURTH AMENDMENT



11

Bakutis v. Dean

- Officer shot Atatiana Jefferson through her window without ID'ing himself
- Fifth Circuit denied qualified immunity on excessive force claim
- Clearly established law prohibits deadly force without warning when feasible
- Officer granted immunity on search claim under "community caretaking" exception

12

Benfer v. City of Baytown

- Plaintiff bitten by police dog during mistaken stolen vehicle stop
- Officers warned before deploying K-9; unclear if suspect resisted during handcuffing
- Court found use of force reasonable and justified
- City not liable; no unconstitutional policy or training failure shown

13

Barnes v. Felix

- Officer clung to car and shot driver; lower courts applied "moment of threat" rule
- Supreme Court rejected Fifth Circuit's approach
- Held force must be judged by totality of circumstances, not isolated moment
- Remanded for reevaluation using full context

14

Degenhardt v. Bintliff

- Teens sued police for unlawful stop, search, seizure, and retaliation after traffic stop
- Fifth Circuit found no reasonable suspicion for the stop, allowing that claim to proceed
- Search upheld due to alcohol in plain view; seizure (impoundment) shielded by qualified immunity
- Retaliation claim failed—actions not clearly motivated by protected speech

15

Dilley v. Domingue

- Unarmed man shot in back by officer; she falsely reported taser use
- Surveillance contradicted officer's account; she was fired
- Fifth Circuit upheld denial of qualified immunity
- Clearly established law prohibited use of deadly force on nonthreatening suspect

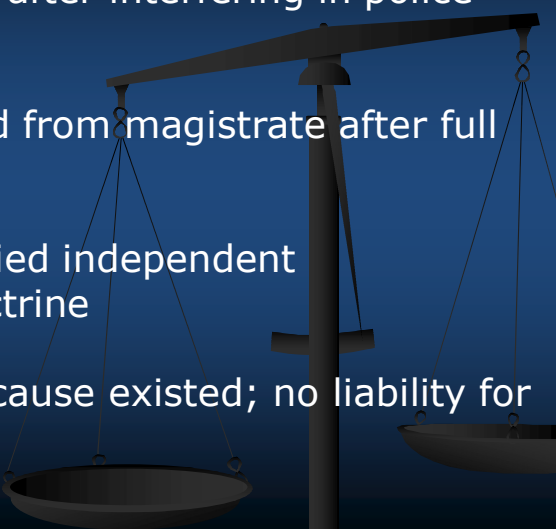
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Esteviz v. Cantu

- Fleeing driver rammed police car; officers fired multiple times
 - District court denied immunity for later shots after threat ceased
 - Fifth Circuit reversed—officers reasonably perceived continued threat
 - No clearly established law forbade their actions
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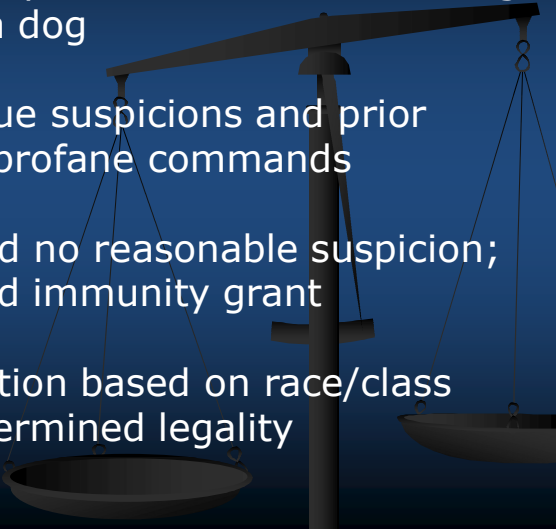
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Hall v. Trochessett

- Plaintiff arrested after interfering in police request for info
 - Warrant obtained from magistrate after full disclosure
 - Fifth Circuit applied independent intermediary doctrine
 - Found probable cause existed; no liability for resulting arrest
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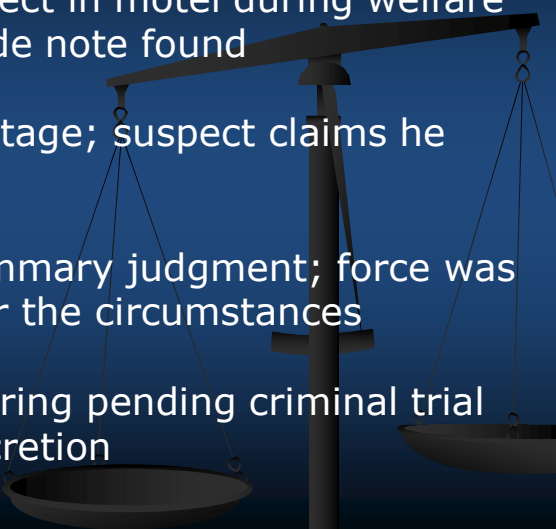
18

Hankins v. Wheeler

- Youth stopped by private officer after asking for help finding a dog
 - Officer cited vague suspicions and prior break-ins; used profane commands
 - Fifth Circuit found no reasonable suspicion; reversed qualified immunity grant
 - Officer's justification based on race/class implications undermined legality
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19

Langiano v. City of Fort Worth

- Officer shot suspect in motel during welfare check after suicide note found
 - No body cam footage; suspect claims he didn't point gun
 - Court upheld summary judgment; force was reasonable under the circumstances
 - Denial of stay during pending criminal trial not abuse of discretion
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20

McVae v. Perez

- Fleeing suspect threw rock at officer; shot three times from behind
- Officer testified to perceived threat; body cam supported his account
- Fifth Circuit upheld qualified immunity; use of force not clearly unlawful
- Officer's reaction was immediate and reasonable under evolving threat

21

Nevarez v. Dorris

- Officers obtained search warrants post-shooting of armed suspect
- Family sued, alleging warrants were pretextual and lacked probable cause
- District court denied qualified immunity; Fifth Circuit reversed
- Court found no clearly established law barring the warrants in this context

22

Ramirez v. Killian

- Officer used pepper spray, slammed suspect, and shot dogs during domestic call
- Jury found unreasonable seizure in dog shooting; district court reversed
- Fifth Circuit reinstated jury verdict, found excessive force issues should go to trial
- Qualified immunity rejected; fact disputes and video evidence supported plaintiffs

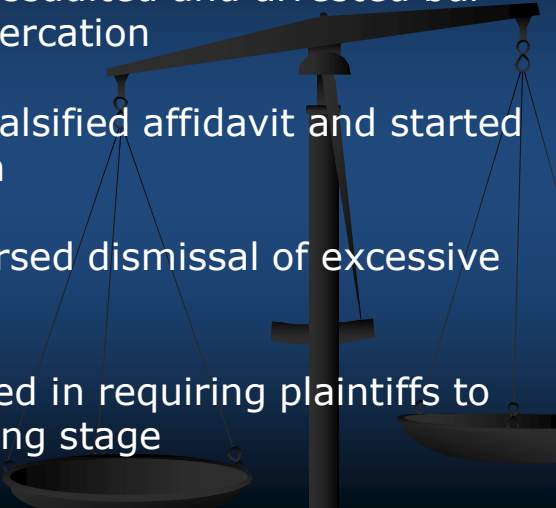
23

Salinas v. City of Houston

- Suspect shot after car chase; officers gave 30+ commands before firing
- Suspect reached around despite repeated orders
- Fifth Circuit affirmed summary judgment for officers
- Actions were reasonable due to perceived imminent threat

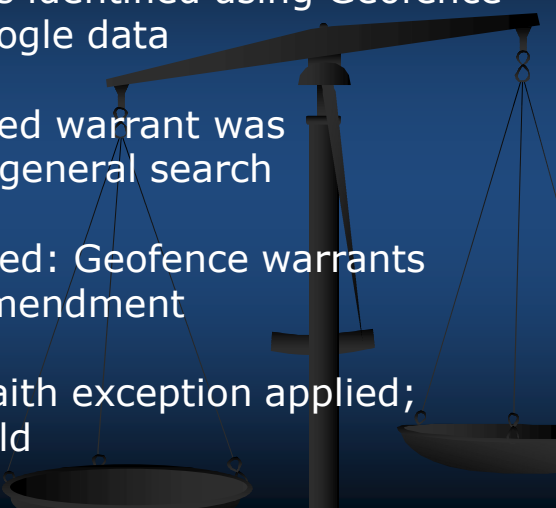
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Santander v. Salazar

- Off-duty officer assaulted and arrested bar patron during altercation
 - IA found officer falsified affidavit and started the confrontation
 - Fifth Circuit reversed dismissal of excessive force claim
 - District court erred in requiring plaintiffs to cite law at pleading stage
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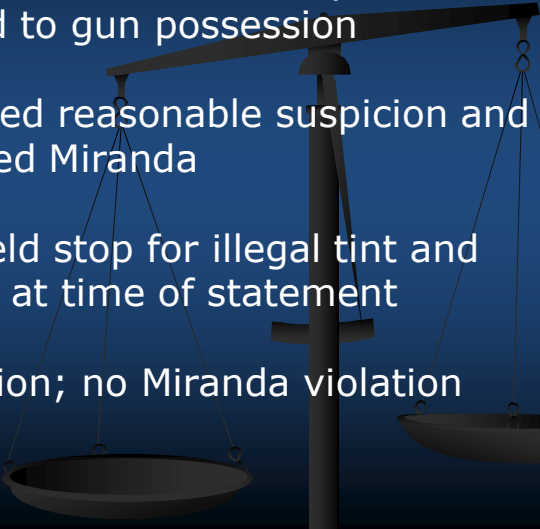
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United States v. Smith

- Robbery suspects identified using Geofence warrant from Google data
 - Defendants argued warrant was unconstitutional general search
 - Fifth Circuit agreed: Geofence warrants violate Fourth Amendment
 - However, good faith exception applied; convictions upheld
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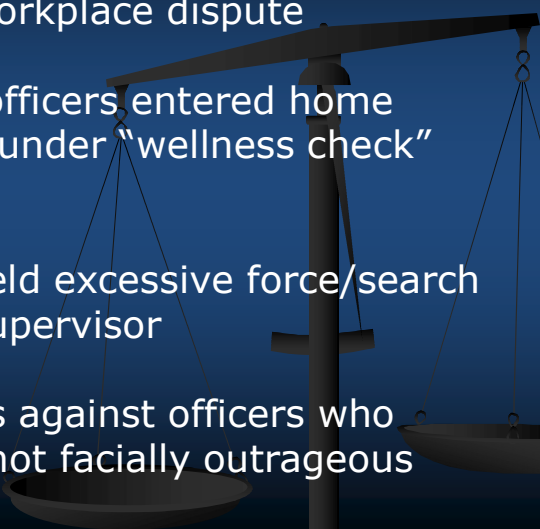
26

United States v. Palmer

- Traffic stop led to firearm discovery after suspect admitted to gun possession
 - Argued stop lacked reasonable suspicion and statement violated Miranda
 - Fifth Circuit upheld stop for illegal tint and ruled no custody at time of statement
 - Denied suppression; no Miranda violation
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27

Von Derhaar v. Watson

- Plaintiff alleged illegal home search and seizure during workplace dispute
 - Supervisor and officers entered home without consent under “wellness check” pretense
 - Fifth Circuit upheld excessive force/search claims against supervisor
 - Dismissed claims against officers who followed orders not facially outrageous
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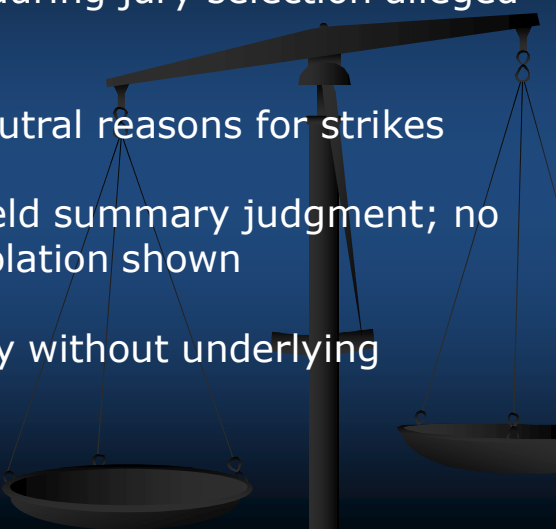
FOURTEENTH AMENDMENT

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14th Amendment
...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

29

Pipkins v. Stewart

- Plaintiffs struck during jury selection alleged racial bias
 - DA gave race-neutral reasons for strikes
 - Fifth Circuit upheld summary judgment; no constitutional violation shown
 - No Monell liability without underlying violation
- 
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30

Stapleton v. Lozano

- Inmate died of drug toxicity after visible impairment in holding cell
- Plaintiff alleged officer ignored medical needs
- Fifth Circuit reversed denial of immunity; symptoms were ambiguous
- No deliberate indifference without request or clear signs of emergency

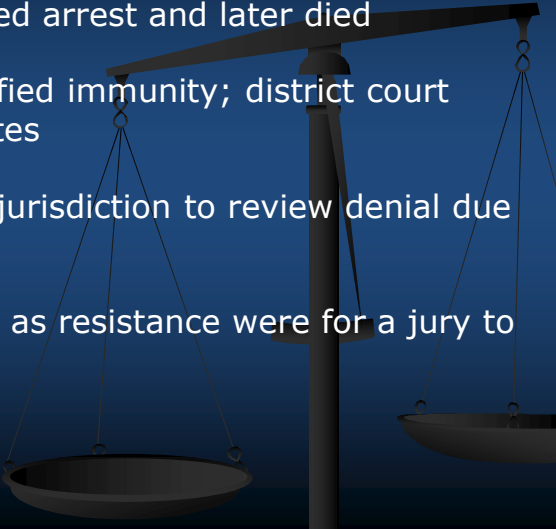
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SECTION 1983



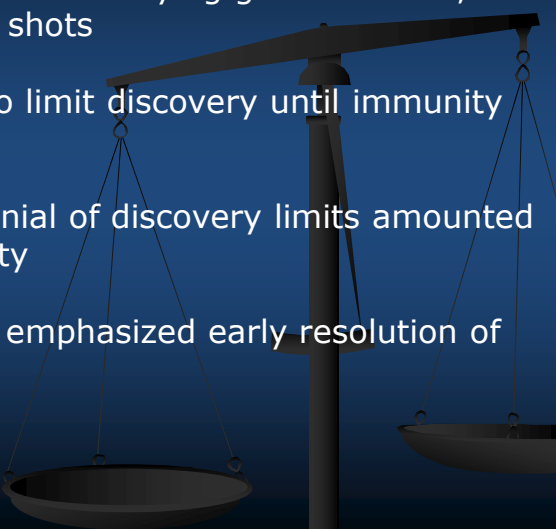
32

Ambler v. Nissen

- Officers used force after Ambler, who had congestive heart failure, resisted arrest and later died
 - Nissen denied qualified immunity; district court found factual disputes
 - Fifth Circuit lacked jurisdiction to review denial due to factual questions
 - Disputed facts such as resistance were for a jury to decide
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33

Asante-Chioke v. Dowdle

- Man shot by police while carrying gun and knife; autopsy showed 24 shots
 - Defendant moved to limit discovery until immunity issue resolved
 - Fifth Circuit held denial of discovery limits amounted to denial of immunity
 - Court reversed and emphasized early resolution of qualified immunity
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34

Ashley v. Clay County

- Plaintiff alleged First Amendment retaliation after raising hospital concerns
- County argued it was not her employer and sought dismissal based on immunity
- District court compelled arbitration without addressing immunity first
- Fifth Circuit reversed; immunity must be addressed before arbitration

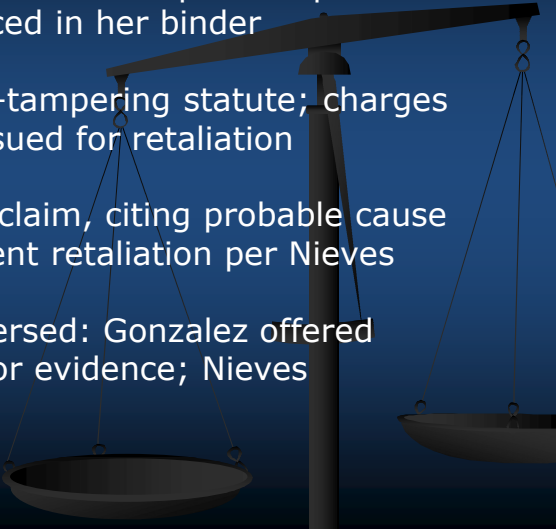
35

Doe v. Ferguson

- School administrators allegedly ignored abuse captured on video/GPS
- Court found no actual knowledge of abuse—**access ≠ subjective awareness**
- Fifth Circuit granted qualified immunity
- Failure to act not plausibly alleged as deliberate indifference

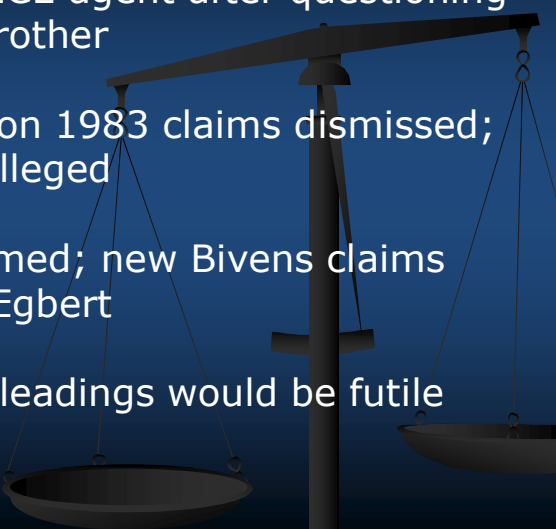
36

Gonzalez v. Trevino

- Sylvia Gonzalez arrested after political petition was mistakenly placed in her binder
 - Charged under anti-tampering statute; charges dropped, she later sued for retaliation
 - Fifth Circuit denied claim, citing probable cause bars First Amendment retaliation per Nieves
 - Supreme Court reversed: Gonzalez offered objective comparator evidence; Nieves exception applied
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37

Hernandez v. Causey

- Plaintiff shot by ICE agent after questioning his intoxicated brother
 - Bivens and Section 1983 claims dismissed; no state action alleged
 - Fifth Circuit affirmed; new Bivens claims disfavored post-Egbert
 - Amendment to pleadings would be futile
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38

Holmes v. Reddoch

- Photographer arrested at fair after taking pictures of rides; charged with resisting
 - Jury found arrest unconstitutional, awarded punitive damages
 - Fifth Circuit upheld: arrest lacked probable cause, immunity waived by defendant
 - Officer's conduct showed reckless disregard for rights
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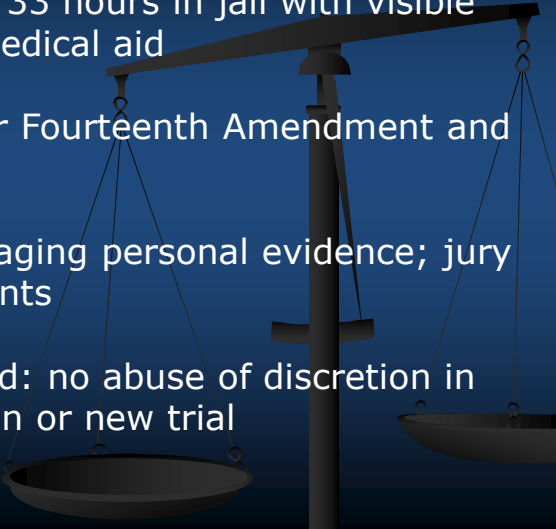
39

Kovac v. Wray

- Muslims alleged harm from Terrorist Screening Database (Watchlist)
 - Fifth Circuit upheld summary judgment: agencies had clear statutory authority
 - Watchlist justified for aviation security; no standing for broader use challenges
 - APA not violated where statutory authority was clear
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40

Sims v. City of Jasper

- Inmate died after 33 hours in jail with visible distress and no medical aid
 - Family sued under Fourteenth Amendment and Monell
 - Trial allowed damaging personal evidence; jury found for defendants
 - Fifth Circuit upheld: no abuse of discretion in denying bifurcation or new trial
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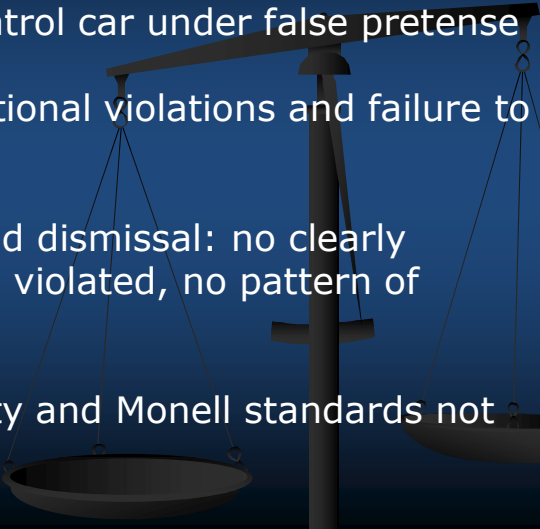
41

Spiller v. Harris County

- Plaintiff tackled and tased by officers after inquiring about girlfriend's arrest
 - Fifth Circuit reversed qualified immunity on excessive force claim
 - Found factual disputes over justification for force
 - Affirmed dismissal of false arrest and Monell claims
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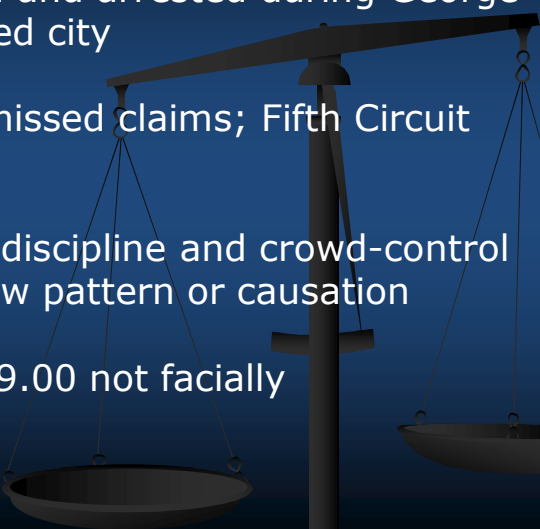
42

Terrell v. Harris County

- Woman sexually assaulted after deputies forced her into patrol car under false pretense
 - Sued for constitutional violations and failure to train
 - Fifth Circuit upheld dismissal: no clearly established rights violated, no pattern of abuse
 - Qualified immunity and Monell standards not met
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43

Verastique v. City of Dallas

- Protestors injured and arrested during George Floyd protests sued city
 - District court dismissed claims; Fifth Circuit affirmed
 - Alleged failure to discipline and crowd-control policy did not show pattern or causation
 - General Order 609.00 not facially unconstitutional
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45

Ibanez v. Texas A&M Kingsville

- Tenure denied due to insufficient “juried” works; plaintiff alleged race bias
- University met clear tenure criteria; plaintiff lacked minimum qualifications
- Fifth Circuit affirmed summary judgment
- No inference of discrimination shown

46

Lindsley v. Omni Hotels

- Female executive sued over alleged sex-based pay disparity
- Jury returned inconsistent verdicts on Title VII and EPA claims
- Fifth Circuit vacated judgment—jury awarded damages despite finding disparity was non-sex-based
- Remanded for new trial; later jury found no discrimination


47

Restaurant Law Center v. DOL

- Challenge to DOL rule limiting non-tip work under tip credit
- District court upheld rule under Chevron deference
- Fifth Circuit reversed—rule contradicted FLSA and was arbitrary/capricious
- Summary judgment granted for plaintiffs; rule vacated

48

Rodriguez v. Corpus Christi

- Claimed unlawful termination, wage discrimination, and retaliation
 - Court found no property right in job for due process claim
 - Failed to identify proper comparator or protected activity
 - Summary judgment affirmed for city; overtime pay not required under FLSA
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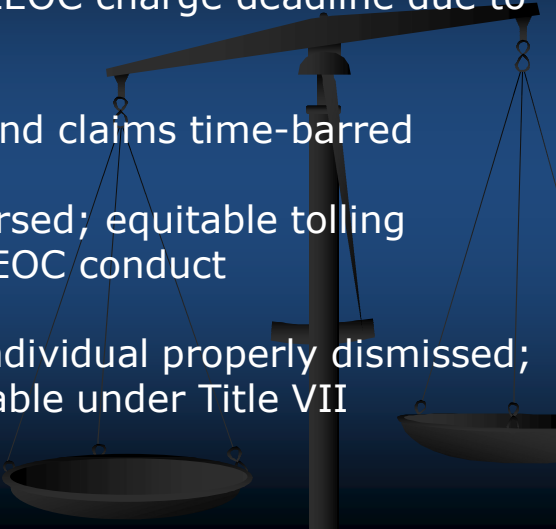
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Shahrashoob v. Texas A&M

- Plaintiff alleged discrimination and retaliation after contract term shortened
 - Court found insufficient evidence that her replacement was similarly situated
 - Summary judgment for university affirmed due to lack of prima facie case
 - Failed to prove university's reasons were pretextual
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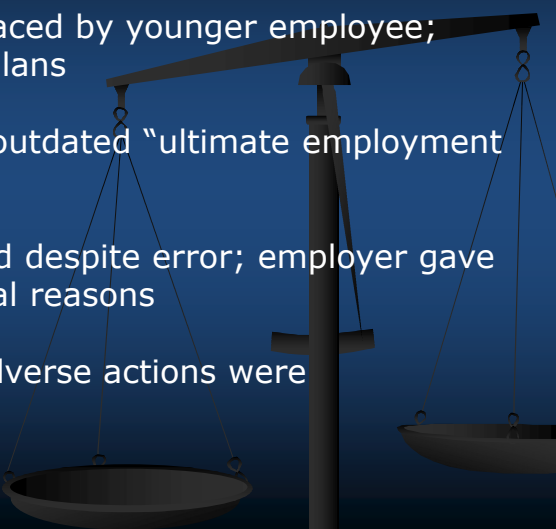
50

Weathers v. Houston Methodist

- Plaintiff missed EEOC charge deadline due to EEOC delay
 - District court found claims time-barred
 - Fifth Circuit reversed; equitable tolling applied due to EEOC conduct
 - Claims against individual properly dismissed; supervisor not liable under Title VII
- 

51

Yates v. Spring ISD

- Senior teacher replaced by younger employee; placed on support plans
 - District court used outdated "ultimate employment decision" test
 - Fifth Circuit affirmed despite error; employer gave valid, non-pretextual reasons
 - No evidence that adverse actions were discriminatory
- 

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53

Dabbasi v. Motiva Enterprises

- Plaintiff terminated after poor reviews, alleged age and disability discrimination
- District court found no replacement by younger employee; no disability at time of firing
- Fifth Circuit reversed on age claim—totality of evidence raised factual disputes
- Affirmed dismissal of ADA claim; no prima facie case of disability discrimination

54

Way v. Missouri City

- Plaintiff terminated after FMLA leave for anxiety and medical issues
- District court found insufficient notice of disability
- Fifth Circuit affirmed on fibroid claims but revived anxiety-related ADA/FMLA claims
- Timing and inconsistent termination reasons could show pretext

55

Winder v. Gallardo

- Deputy fatally shot suicidal man during welfare check; suit alleged ADA and § 1983 claims
- Fifth Circuit affirmed dismissal: exigent circumstances justified warrantless entry
- Use of force was reasonable; no constitutional violation
- ADA doesn't apply in emergency enforcement situations

56

MISCELLANEOUS CASES



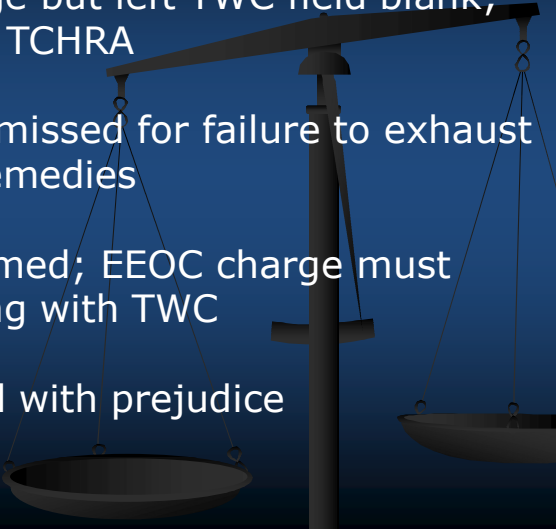
57

Banks v. Spence

- Convicted inmate sought to amend claim from Fourteenth to Eighth Amendment post-deadline
- District court denied as untimely; granted judgment to defendant
- Fifth Circuit affirmed: counsel failed to show good cause for delay
- Legal mistake \neq excusable neglect under Rule 16(b)(4)

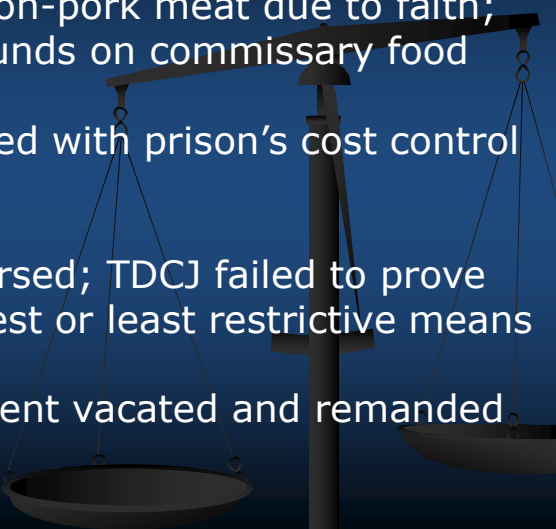
58

Bunker v. Dow Chemical

- Filed EEOC charge but left TWC field blank; later sued under TCHRA
 - District court dismissed for failure to exhaust administrative remedies
 - Fifth Circuit affirmed; EEOC charge must indicate dual filing with TWC
 - Claims dismissed with prejudice
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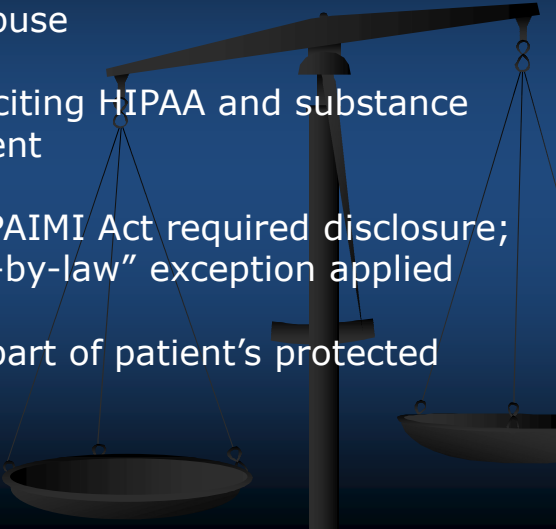
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Cole v. Collier

- Inmate denied non-pork meat due to faith; spent personal funds on commissary food
 - District court sided with prison's cost control justification
 - Fifth Circuit reversed; TDCJ failed to prove compelling interest or least restrictive means
 - Summary judgment vacated and remanded
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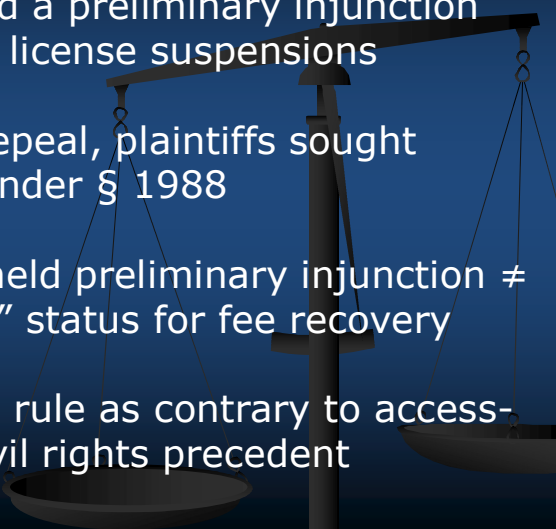
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Disability Rights Texas v. Hollis

- Advocacy group sought hospital footage of patient alleging abuse
 - Hospital refused, citing HIPAA and substance use disorder content
 - Fifth Circuit held PAIMI Act required disclosure; HIPAA's "required-by-law" exception applied
 - Footage deemed part of patient's protected records
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61

Lackey v. Stinnie

- Plaintiffs obtained a preliminary injunction stopping driver's license suspensions
 - After statutory repeal, plaintiffs sought attorney's fees under § 1988
 - Supreme Court held preliminary injunction ≠ "prevailing party" status for fee recovery
 - Dissent criticized rule as contrary to access-to-justice and civil rights precedent
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62

Favre v. Sharpe

- Brett Favre sued Shannon Sharpe for comments on welfare fraud scandal
- District court dismissed; Fifth Circuit affirmed using different reasoning
- Sharpe's statements were protected opinions based on disclosed facts
- Commentary not actionable under First Amendment

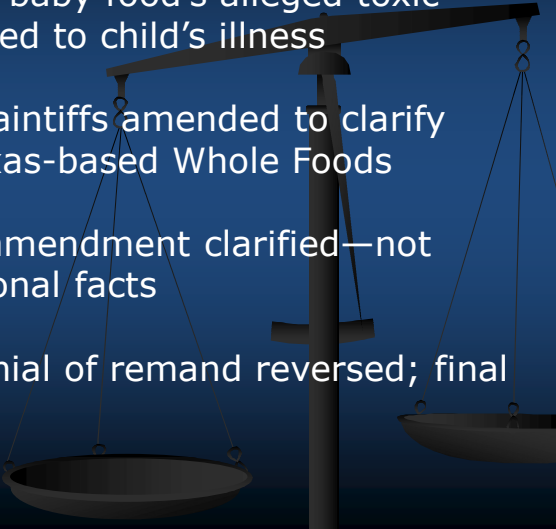
63

Hager v. Brinker Texas

- Black family denied prompt service at Chili's; white fiancé seated immediately
- District court granted summary judgment to restaurant; dismissed discrimination claims
- Fifth Circuit reversed: hostess's apology was direct evidence of discrimination
- Magistrate misapplied burden-shifting and improperly dismissed Title II claim

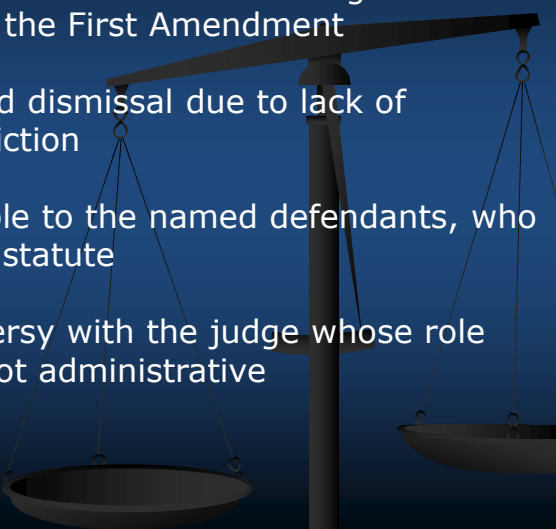
64

Palmquist v. Hain Celestial Group

- Parents sued over baby food's alleged toxic metal content linked to child's illness
 - Case removed; plaintiffs amended to clarify claims against Texas-based Whole Foods
 - Fifth Circuit held amendment clarified—not altered—jurisdictional facts
 - District court's denial of remand reversed; final judgment vacated
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65

Reule v. Jackson

- Plaintiffs challenged Texas's vexatious litigant statute as violating the First Amendment
 - Fifth Circuit affirmed dismissal due to lack of standing and jurisdiction
 - Injuries not traceable to the named defendants, who did not enforce the statute
 - No case or controversy with the judge whose role was adjudicative, not administrative
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66

Ricks v. Khan

- Pro se prisoner denied hepatitis C treatment; sued under §1983
- District court dismissed without leave to amend and denied appointment of counsel
- Fifth Circuit vacated: claims plausibly alleged deliberate indifference
- Remanded with instructions to appoint counsel and allow amended complaint

67

Royal Canin v. Wullschleger

- Plaintiff amended complaint to remove federal claims after removal to federal court
- Eighth Circuit held case must be remanded as amended complaint destroyed federal jurisdiction
- Supreme Court affirmed: jurisdiction is based on current operative complaint
- Clarified plaintiffs can force remand by deleting federal claims post-removal

68

Smith v. Arizona

- Forensic expert testified to another analyst's findings in Smith's drug case
- Smith convicted; appealed on Sixth Amendment grounds
- Supreme Court held that substitute expert relaying non-testifying analyst's findings violates Confrontation Clause
- Remanded to determine whether original statements were testimonial

69

Spriggs v. United States

- Plaintiff faxed tort claim to USPS; suit dismissed for lack of proof of receipt
- Fifth Circuit found fax confirmation sheet was probative evidence of receipt
- Distinguished prior case involving untracked mail
- Remanded; emphasized fax and USPS tracking are equally valid for FTCA notice

70

Taylor v. Root Insurance

- Insurer paid vehicle's actual cash value but not sales tax after hail loss
- District court dismissed class action; Fifth Circuit affirmed
- Texas law: total-loss payout not a taxable sale, so no "applicable" tax due
- No breach or TPPCA violation; amendment request forfeited by inadequate briefing

71

Waetzig v. Halliburton

- Waetzig dismissed his case voluntarily, then sought to reopen after arbitration loss
- District court used Rule 60(b); appellate court reversed, saying no "final proceeding"
- Supreme Court reversed: voluntary dismissal qualifies as a "final proceeding"
- Ensures procedural route exists to reopen cases dismissed without prejudice

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Abraham Watkins Nichols Agosto Aziz & Stogner v. Festeryga

- Lawyer removed to federal court after filing motion under Texas anti-SLAPP law
- District court remanded for waiver of removal rights
- Fifth Circuit en banc held waiver is not jurisdictional; remand was reviewable
- Overruled 1980 precedent (*Weaver*); remanded to panel for further review