United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
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Lyle W. Cayce
Clerk

No. 24-10318

JOHN EDWARD CAMPBELL; ANGELA DENISE EDWARDS, *as next friend to* J.E.C., *a minor*,

Plaintiffs—Appellants,

versus

COPPELL INDEPENDENT SCHOOL DISTRICT,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:23-CV-771

Before HIGGINBOTHAM, WILLETT, and HO, *Circuit Judges*.

PER CURIAM:[*]

J.E.C., a white male, was a student at New Tech High @ Coppell, a high school within Coppell Independent School District. His teacher allegedly assigned the class a project "to research and write about 'diverse' atomic theory scientists." When asked to clarify what she meant by "diverse," the teacher told the students to "pick any scientist other than an

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

'old dead white guy.'" Two months later, J.E.C. complained to the District about the assignment, but he never received a response. He then transferred schools.

Shortly after J.E.C. transferred to his new school, the assistant principal at J.E.C.'s former school received a report that J.E.C. posted a threat to kill his teacher on social media. Local law enforcement interviewed J.E.C. and his parents and filed a written report about the incident. The police report notes that J.E.C. admitted to posting the comments "out of frustration." Law enforcement determined that "the incident did not arise to a criminal level, but would be documented." Later that day, the District removed J.E.C. from his new campus to a disciplinary placement.

Plaintiffs—J.E.C.'s parents—filed this lawsuit on his behalf, claiming: (1) discrimination and retaliation under Title VI; (2) discrimination and retaliation under Title IX; and (3) violation of due process and equal protection under § 1983. The district court dismissed the Title VI and Title IX claims because Plaintiffs' second amended complaint failed to allege facts sufficient to state a plausible claim. It dismissed the § 1983 claims as abandoned because Plaintiffs failed to brief them in response to the District's motion to dismiss. Plaintiffs timely appealed.

As an initial matter, Plaintiffs have not adequately briefed any of their three issues on appeal. Under Federal Rule of Appellate Procedure 28, such cursory briefing and failure to provide legal authority can constitute abandonment of an issue. *See DeVoss v. Southwest Airlines Co.*, 903 F.3d 487, 489 n.1 (5th Cir. 2018) (noting that failure to adequately brief an argument forfeits the claim on appeal); *Rollins v. Home Depot USA*, 8 F.4th 393, 397 (5th Cir. 2021) ("A party forfeits an argument . . . by failing to adequately brief the argument on appeal."); *Willis v. Cleo Corp.*, 749 F.3d 314, 318 n.3 (5th Cir. 2014) (stating that we disregard an appellate argument if the "briefs

. . . give scant, if not conclusory, attention to the record: citations are minimal, and legal analysis relating facts to the law is largely absent"). Parties are required to provide "meaningful analyses for each issue and present more than conclusory allusions as to their arguments for the issues to be properly raised on appeal." *Kelley v. Alpine Site Servs., Inc.*, 110 F.4th 812, 817 (5th Cir. 2024). Merely stating cases without "explain[ing] how these cases constitute authority for their bare assertion[s]" is insufficient. *Coury v. Moss*, 529 F.3d 579, 587 (5th Cir. 2008). Parties must do more than "merely intimate the argument during the proceedings before the district court." *FDIC v. Mijalis*, 15 F.3d 1314, 1326–27 (5th Cir. 1994). We may disregard briefing that fails to meet these standards. *See Willis*, 749 F.3d at 318 n.3.

Under these standards, Plaintiffs fail to adequately brief all three of their claims. Plaintiffs don't point to any particular part of the district court's analysis as incorrect or in error. Their opening brief makes only conclusory arguments, with little to no legal support.[1] For example, their argument in support of their Title VI discrimination claim states the legal standard, then consists of just four sentences:

> In the case at hand, J.E.C.'s science teacher gave her class, which included J.E.C., an assignment to research and write about atomic theory scientists other than an "old dead white guy." J.E.C. is male. J.E.C. is white.
>
> This was an intentional use of race and gender, even though there may be no direct evidence of bad faith or ill will from the teacher.

Appellant's Brief at 16 (record citations omitted). Their argument in support of the Title VI retaliation claim is slightly longer, but, like the discrimination argument, it contains no legal citations other than a statement of the legal

[1] Plaintiffs did not file a reply brief.

standards and points to no specific issue they believe the district court got wrong. *Id.* at 16–18. Plaintiffs' Title IX arguments fare no better. *Id.* at 18–20. And they altogether neglect to mention their § 1983 claims.

Plaintiffs' brief entirely fails to explain how any case constitutes authority for their contentions that the second amended complaint adequately stated claims under Title VI, Title IX, or § 1983. They merely restate the arguments they made before the district court, without explaining why the district court erred in deeming them insufficient. Because Plaintiffs fail to adequately brief the issues on appeal, their arguments are forfeited, and we need not consider them.

Regardless, even if Plaintiffs had briefed the issues properly, on de novo review, we agree with the district court's analysis in full. *See Moon v. City of El Paso*, 906 F.3d 352, 357 (5th Cir. 2018) ("We review de novo a dismissal under Rule 12(b)(6)."). Plaintiffs have not stated a plausible claim under Title VI, Title IX, or § 1983, so their second amended complaint was properly dismissed.

Plaintiffs' claim for discrimination under Title VI fails because they fail to allege that the District treated J.E.C. differently "because of" his race. *See Rollerson v. Brazos River Harbor Navigation Dist. of Brazoria Cnty. Tex.*, 6 F.4th 633, 639 (5th Cir. 2021). In fact, although the briefs refer to J.E.C. as white, the complaint itself never clarifies J.E.C.'s race. And the complaint acknowledges that the allegedly discriminatory project was assigned to the entire class, regardless of the individual students' races. Thus, nothing in the complaint suggests that any person at the District treated J.E.C. differently than other students because of his race. *See Wright v. Arlington Indep. Sch. Dist.*, 834 F. App'x 897, 902 (5th Cir. 2020) (finding that plaintiff failed to sufficiently plead Title VI discrimination claim because she never alleged

facts "showing that she was treated differently because of her heritage or ethnicity").

Plaintiffs' claim for retaliation under Title VI likewise fails.[2] Even assuming (1) that J.E.C. engaged in a protected activity when he complained about the assignment, and (2) that the District took a material action against him by removing him to a disciplinary placement, Plaintiffs fail to allege that there is a causal connection between the protected activity and the adverse action. *See Jones*, 834 F. App'x at 922–23. Though Plaintiffs imply that J.E.C.'s complaint caused the District to take disciplinary action, the record makes clear that the District disciplined J.E.C. only after he threatened to kill his teacher. Plaintiffs make no argument to counter the police report, which notes that J.E.C. admitted to making the threat. And the District's Code of Conduct explicitly prohibits making such threats.[3] The logical inference, then, is that J.E.C.'s threat, not his race, caused the District to take material disciplinary action against him. Plaintiffs' conclusory assertions otherwise are insufficient to survive the motion to dismiss. *See Bhombal v. Irving Indep. Sch. Dist.*, 809 F. App'x 233, 239 (5th Cir. 2020) (holding that conclusory allegation of causal connection "is not enough to give rise to a reasonable inference of retaliation").

Plaintiffs' Title IX claims are also insufficient. The Title IX discrimination claim fails because nothing in the complaint suggests that the District treated J.E.C. differently because of his sex. The allegedly discriminatory assignment was given to the entire class, males and females

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[2] We assume without deciding that Title VI encompasses a retaliation claim. *See Jones v. Southern Univ.*, 834 F. App'x 919, 923 n.3 (5th Cir. 2020).

[3] At the motion to dismiss stage, we may consider documents attached to the motion to dismiss that are central to Plaintiffs' claims. *Scanlan v. Tex. A&M Univ.*, 343 F.3d 533, 536 (5th Cir. 2003).

alike. *Poloceno v. Dallas Indep. Sch. Dist.*, 826 F. App'x 359, 362 (5th Cir. 2020) (holding that plaintiff failed to state a Title IX claim because she did not allege intentional discrimination—that the school district "acted—or failed to act—because of a discriminatory motive" or treated her different from similarly situated students of the opposite sex). The Title IX retaliation claim fails for the same reason as the Title VI retaliation claim: Plaintiffs fail to state beyond conclusory allegations any causal connection between J.E.C.'s complaining about the assignment and the District removing him to disciplinary placement. *See Trudeau v. Univ. of N. Tex.*, 861 F. App'x 604, 608 (5th Cir. 2021) (holding that plaintiff failed to state a Title IX retaliation claim because he had "not specified a causal link between his [protected activity] and the punishment that resulted from it").

Plaintiffs' § 1983 claims also fail, but for a different reason. Their briefing in the district court and on appeal neglects to address the § 1983 claims altogether. Accordingly, the district court held that the § 1983 claims were abandoned. *See Black v. N. Panola Sch. Dist.*, 461 F.3d 584, 588 n.1 (5th Cir. 2006) (holding that failure to respond to defendant's argument in a motion to dismiss constitutes abandonment). We agree. And because Plaintiffs' opening brief here does not address the § 1983 claims at all, we find that the § 1983 claims are abandoned on appeal. *United States v. Ogle*, 415 F.3d 382, 383 (5th Cir. 2005) ("an argument not raised in appellant's original brief as required by FED. R. APP. P. 28 is waived.").

Because Plaintiffs failed to adequately brief their issues on appeal, and because their claims nevertheless fail on the merits, we AFFIRM.