

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 30, 2021

Lyle W. Cayce
Clerk

No. 20-50875

IVETTE MENDOZA, *Parent of C.O., a minor child*; DAVID ORTEGA,
Parent of C.O., a minor child; C.O-M., *by next friend* IVETTE MENDOZA
and DAVID ORTEGA,

Plaintiffs—Appellants,

versus

ROUND ROCK INDEPENDENT SCHOOL DISTRICT; YMCA OF
GREATER WILLIAMSON COUNTY,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:19-CV-860

Before KING, DENNIS, and HO, *Circuit Judges.*

PER CURIAM:*

Plaintiffs fail to allege plausibly that the Round Rock Independent School District (“RRISD”) is liable for harm to their minor child under the standard for municipal liability set forth in *Monell v. Department of Social*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Services of City of New York, 436 U.S. 658, 694 (1978). “Municipal liability under 42 U.S.C. § 1983 requires proof of 1) a policymaker; 2) an official policy; [and] 3) . . . a violation of constitutional rights whose ‘moving force’ is the policy or custom.” *Rivera v. Hous. Indep. Sch. Dist.*, 349 F.3d 244, 247 (5th Cir. 2003) (quoting *Piotrowski v. City of Hous.*, 237 F.3d 567, 578 (5th Cir. 2001). Under Texas law, the local school board is the “municipal policymaking authority” for purposes of *Monell* liability. *Id.* at 248.

Plaintiffs’ allegation that, on a single instance, a substitute school bus driver dropped off their child at a bus stop without a guardian present is insufficient to give rise to a plausible claim that the RRISD School Board had an official policy of violating students’ rights to bodily integrity by leaving them unsupervised in public areas.

Accordingly, the district court properly dismissed this suit for failure to state a claim. We affirm.