

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 1, 2026

Thomas B. Plunkett, III
Clerk

No. 25-10923

CASSANDRA JOHNSON, *individually and as representative of* THE
ESTATE OF DECEDENT TRELYNN D'MAUN WORMLEY; ARYANNA
STAFFORD, *as next friend of* M. P., *a minor*,

Plaintiffs—Appellants,

versus

TARRANT COUNTY, TEXAS; KEEFE GROUP, L.L.C.; KEEFE
COMMISSARY NETWORK, L.L.C.,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:24-CV-682

Before SMITH, HAYNES, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

This lawsuit arises from Trelynn D'Maun Wormley's death, which occurred due to a fentanyl overdose while in a Tarrant County jail. As alleged, Wormley obtained the fentanyl from Aliyah Lyles, who worked in

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

No. 25-10923

the jail commissary.¹ Wormley’s mother and his child’s mother filed suit against Tarrant County, raising constitutional as well as state law claims, and also filed suit against Keefe Commissary Network L.L.C., alleging vicarious and direct liability for the actions of its employee. The district court dismissed the complaint with prejudice at the motion to dismiss stage.² Finding no error, we affirm.

I. Background

Wormley died of a fentanyl overdose while in custody in Tarrant County jail. He obtained the fentanyl from Aliyah Lyles, an employee of Keefe Commissary Network, L.L.C., the jail’s third-party commissary operator. Cassandra Johnson, Wormley’s mother, and Aryanna Stafford, as next friend of Wormley’s minor child, (“Plaintiffs”) brought a claim against Tarrant County under 42 U.S.C. § 1983, along with other state law claims. Plaintiffs also sued Keefe Commissary Network, L.L.C. and its parent company Keefe Group, L.L.C. (“Keefe”), alleging vicarious liability, direct liability, violating the Texas Health and Safety Code, and gross negligence.

Both Tarrant County and Keefe filed motions to dismiss under Federal Rule of Civil Procedure 12(b)(6). In considering Tarrant County’s motion to dismiss, the district court held that the County did not have a de facto policy of allowing drugs into the jail. As for Keefe’s motion to dismiss, the district court held that Keefe was not liable for negligent hiring, supervision, retention, or control because Plaintiffs did not allege facts indicating that Keefe knew or should have known that Lyles posed a

¹ Importantly, Lyles is not part of this case or this appeal.

² One state law claim was dismissed without prejudice because the district court declined to exercise supplemental jurisdiction over the claim and therefore did not have the power to rule on the merits.

No. 25-10923

foreseeable substantial risk of bringing drugs into the jail. Accordingly, the district court granted the motions to dismiss and dismissed Plaintiffs' complaint with prejudice. Plaintiffs promptly appealed.

II. Jurisdiction & Standard of Review

The district court had jurisdiction over this case under 28 U.S.C. §§ 1331 and 1367, and we have jurisdiction to consider this appeal under 28 U.S.C. § 1291 since the district court entered final judgment.

We review a dismissal under Rule 12(b)(6) de novo. *See Armadillo Hotel Grp., L.L.C. v. Harris*, 84 F.4th 623, 628 (5th Cir. 2023). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

III. Discussion

On appeal, Plaintiffs challenge the district court's dismissal of their claims against Tarrant County and Keefe. We address Plaintiffs' claims against each defendant in turn and, ultimately, conclude that the district court properly dismissed Plaintiffs' claims.

A. Claims against Tarrant County

Plaintiffs contend that the district court erred in dismissing their municipal liability claim, alleging that Wormley's death resulted from an official policy allowing jail employees to smuggle drugs into the jail. We disagree.

Because municipalities are not vicariously liable for the actions of their employees under § 1983, municipal liability arises when the execution of a local government's custom or policy inflicts the injury. *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978). To prevail, a plaintiff must show "(1) a rule

No. 25-10923

or restriction or the existence of an identifiable intended condition or practice or that the jail official's acts or omissions were sufficiently extended or pervasive; (2) which was not reasonably related to a legitimate governmental objective; and (3) which caused the violation of [a detainee]'s constitutional rights." *Duvall v. Dallas Cnty.*, 631 F.3d 203, 207 (5th Cir. 2011) (per curiam) (citation modified).³

The first element is at issue here. "A condition is usually the manifestation of an explicit policy or restriction," but "in some cases, a condition may reflect an unstated or de facto policy, as evidenced by a pattern of acts or omissions sufficiently extended or pervasive, or otherwise typical of extended or pervasive misconduct by jail officials, to prove an intended condition or practice." *Shepherd v. Dallas Cnty.*, 591 F.3d 445, 452 (5th Cir. 2009) (citation modified).

Here, Plaintiffs have failed to allege a de facto policy. Therefore, the district court did not err in finding that Plaintiffs failed to plausibly allege that Tarrant County has a de facto policy of allowing drugs into its jails.⁴

B. Claims against Keefe

Next, Plaintiffs argue that they plausibly pleaded that Keefe negligently supervised its employees. Again, we disagree.⁵

³ There is "no meaningful difference between" the elements of a conditions-of-confinement claim and a *Monell* claim. *Estate of Bonilla ex rel. Bonilla v. Orange Cnty.*, 982 F.3d 298, 308 (5th Cir. 2020).

⁴ The district court also did not err in declining to exercise supplemental jurisdiction over Plaintiffs' state law claims against Tarrant County after dismissing their federal claims. *See* 28 U.S.C. § 1367(c)(3).

⁵ Although Keefe argues that Plaintiffs have forfeited their negligent supervision claim, we need not precisely determine the applicable standard of review since Plaintiffs'

No. 25-10923

“To prevail in a negligence action, the plaintiff must prove: (1) a legal duty owed to the plaintiff, (2) a breach of that duty by the defendant, and (3) damages proximately caused by the breach.” *Zarzana v. Ashley*, 218 S.W.3d 152, 158 (Tex. App. 2007). “The questions of duty and proximate cause both hinge on a determination of foreseeability of harm.” *Id.* Moreover, “[t]o impose liability in negligent hiring and supervision cases, sufficient evidence must exist indicating that the defendant knew or should have known of the employee’s incompetence or potential for causing harm.” *Id.*

Plaintiffs do not identify any facts that suggest that Keefe was negligent in its supervision of Lyles.⁶ Accordingly, Plaintiffs have failed to state a claim of negligent supervision.

IV. Conclusion

For the forgoing reasons, we AFFIRM the district court’s dismissal of Plaintiffs’ claims.

challenge fails “[e]ven under that more lenient standard” of de novo review. *United States v. Quintanilla*, 114 F.4th 453, 470 (5th Cir. 2024).

⁶ Although Plaintiffs allege that Lyles was connected to another overdose at the jail, Plaintiffs do not allege any facts indicating that Keefe was aware of this connection. Nor do they argue that this incident gave Keefe actual or constructive knowledge of Lyles’s potential for causing harm.