

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

September 9, 2026

Lyle W. Cayce  
Clerk

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No. 25-20309

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CLAUDIA VALADEZ,

*Plaintiff—Appellant,*

*versus*

CITY OF JACINTO CITY, TX; JOSE JUAREZ-AGUILERA; J. M.  
AYALA,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:24-CV-2950

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Before ELROD, *Chief Judge*, HIGGINSON and RAMIREZ, *Circuit Judges*.  
PER CURIAM:\*

After she was seriously injured by a truck fleeing from a police vehicle, Claudia Valadez sued the pursuing officer, his chief, and the municipality under 42 U.S.C. § 1983 for violating her Fourteenth Amendment substantive due process rights and under the Texas Tort Claims Act for negligence. The

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

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district court dismissed her claims, and she appealed. We AFFIRM in part and VACATE and REMAND in part.

## I

Jacinto City Police Officer Jose Juarez-Aguilera (Officer) was assisting a neighboring police department with a call about a stolen vehicle evading arrest at 3:20 a.m. on August 10, 2022, when he noticed a truck with a temporary tag and a missing taillight. He turned on his emergency lights and attempted to stop the truck, but it sped away. Officer chased it through a residential neighborhood and onto the main road, where the speeding truck ran a red light and collided with Valadez's vehicle. Valadez was taken to the hospital in critical condition and admitted to the intensive care unit.

Valadez sued Officer, Jacinto City (City), and Police Chief J.M. Ayala (Chief) under 42 U.S.C. § 1983, asserting claims for violation of her substantive due process rights under the Fourteenth Amendment, municipal liability under *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 690 (1978), and negligent hiring, supervision, training, and retention. She also asserted a negligence claim under the Texas Tort Claims Act (TTCA). Defendants moved to dismiss all claims under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. The district court granted the motion and denied Valdez leave to amend her complaint, and she timely appealed.

## II

We review a district court's dismissal under Rule 12(b)(6) *de novo*. *Sonnier v. State Farm Mut. Auto. Ins. Co.*, 509 F.3d 673, 675 (5th Cir. 2007). To survive a motion to dismiss, a complaint must contain "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). On appeal, "this court accepts all well-pleaded facts as true and views them in the light most favorable to the plaintiff."

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*Fisher v. Moore*, 73 F.4th 367, 371 (5th Cir. 2023) (quoting *De La Paz v. Coy*, 786 F.3d 367, 371 (5th Cir. 2015)).

We review a district court’s interpretation of state law *de novo* and are “bound to resolve the issue as the state’s highest court would.” *Ironshore Eur. DAC v. Schiff Hardin, L.L.P.*, 912 F.3d 759, 764 (5th Cir. 2019).

### III

Valadez first challenges the dismissal of her claims under § 1983 for violation of her Fourteenth Amendment substantive due process rights, municipal liability under *Monell*, and negligent hiring, supervision, training, and retention.

“To state a claim under § 1983, a plaintiff must (1) allege a violation of rights secured by the Constitution or laws of the United States and (2) demonstrate that the alleged deprivation was committed by a person acting under color of state law.” *McKinney v. Irving Indep. Sch. Dist.*, 309 F.3d 308, 312 (5th Cir. 2002) (quoting *Piotrowski v. City of Houston*, 51 F.3d 512, 515 (5th Cir. 1995)).

### A

The Due Process Clause of the Fourteenth Amendment provides that “[n]o State shall . . . deprive any person of life, liberty, or property, without due process of law.” U.S. CONST. amend. XIV, § 1. “[T]he substantive component of the Due Process Clause is violated by executive action only when it ‘can properly be characterized as arbitrary, or conscience shocking, in a constitutional sense.’” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 847 (1998) (quoting *Collins v. City of Harker Heights, Tex.*, 503 U.S. 115, 128 (1992)). In the context of “a high-speed automobile chase aimed at apprehending a suspected offender[,]” the Supreme Court has held that only

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an “intent to harm . . . physically or to worsen their legal plight . . . give rise to liability under the Fourteenth Amendment . . .” *Lewis*, 523 U.S. at 854.

Here, Valadez alleges that she suffered “deprivation of her life, liberty, and property interests through the *deliberate indifference* . . . [of Officer’s] *reckless* vehicle pursuit.” Because “only a purpose to cause harm unrelated to the legitimate object of arrest will satisfy the element of arbitrary conduct shocking to the conscience, necessary for a due process violation,” and she does not allege that Officer acted with “intent to harm . . . or to worsen [her] . . . legal plight,” her substantive due process claim fails. *Id.* at 836, 854.

As for Valadez’s claim for violation of her Fourteenth Amendment substantive due process rights under the state-created danger doctrine, our court has “repeatedly declined to recognize the state-created danger doctrine,” *Fisher*, 73 F.4th at 372 (quoting *Joiner v. United States*, 955 F.3d 399, 407 (5th Cir. 2020)). Valadez failed to brief how the state-created doctrine would function in this case, she merely asserts that it would apply. Therefore, without robust briefing, “[w]e think it especially unwise to fashion a new theory of constitutional liability.” *Id.* (internal quotation marks omitted).<sup>1</sup>

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<sup>1</sup> Because Valadez failed to allege a constitutional violation, as required to state a § 1983 claim, we do not reach Officer’s and Chief’s qualified immunity defense. We note, however, that Valadez is also required to allege a constitutional violation to overcome the defense. *See Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (“The doctrine of qualified immunity protects government officials ‘from liability . . . insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.’” (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982))).

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## B

Under *Monell*, a municipality is a “person” subject to suit and may be held liable under § 1983 if the execution of one of its customs or policies deprives a plaintiff of his or her constitutional rights. 436 U.S. at 690–91. A supervisor who was “‘personally involved in the alleged constitutional deprivation or have engaged in wrongful conduct that is causally connected to the constitutional violation’” may also be held liable under § 1983. *Von Derhaar v. Watson*, 177 F.4th 626, 630 (5th Cir. 2026) (quoting *Turner v. Lieutenant Driver*, 848 F.3d 678, 695 (5th Cir. 2017)).

Because her claims against City and Chief require an underlying constitutional violation, Valadez’s failure to plausibly allege a constitutional violation also defeats her claims for municipal liability and for negligent hiring, supervision, training, and retention. *Doe ex rel. Magee v. Covington Cnty. Sch. Dist. ex rel. Keys*, 675 F.3d 849, 869 (5th Cir. 2012) (“Without an underlying constitutional violation, an essential element of municipal liability is missing.” (quoting *Becerra v. Asher*, 105 F.3d 1042, 1048 (5th Cir. 1997))); *Rios v. City of Del Rio, Tex.*, 444 F.3d 417, 423–25 (5th Cir. 2006) (holding that the required showing for a § 1983 supervisory liability claim that the supervisor was either personally involved or had a “sufficient causal connection” to the violation “cannot be met if there is no underlying constitutional violation”).

The district court did not err in dismissing Valadez’s § 1983 claims.

## IV

Valadez also challenges the district court’s finding that she failed to adequately plead that the TTCA motor vehicle exception applies

“The general rule is that a court should decline to exercise jurisdiction over remaining state-law claims when all federal-law claims are eliminated

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before trial, but this rule is neither mandatory nor absolute.” *Brookshire Bros. Holding, Inc. v. Dayco Products, Inc.*, 554 F.3d 595, 602 (5th Cir. 2009); *see also John Gannon, Inc. v. Tex. Dep’t of Transp.*, 178 F.4th 906, 911–12 (5th Cir. 2026) (“[T]he exercise of supplemental jurisdiction is up to the sound discretion of the district court.”). “[A] district court may . . . exercise supplemental jurisdiction over pendent state law claims under 28 U.S.C. § 1367 where it has original jurisdiction over the federal law claims at issue.” *Gannon*, 178 F.4th at 911.

Here, because no federal claim remains, and the district court did not expressly address its jurisdiction over the remaining state-law claim, we VACATE its holding that Valadez failed to adequately plead applicability of the TTCA motor vehicle exception and REMAND.

## V

Finally, Valadez challenges the district court’s denial of her request for leave to amend, contending her claims are “not futile.”

Federal Rule of Civil Procedure 15(a) provides that “[t]he court should freely give leave when justice so requires.” FED. R. CIV. P. 15(a). “Whether leave to amend should be granted is entrusted to the sound discretion of the district court, and that court’s ruling is reversible only for an abuse of discretion.” *Pervasive Software Inc. v. Lexware GmbH & Co. KG*, 688 F.3d 214, 232 (5th Cir. 2012) (quoting *Wimm v. Jack Eckerd Corp.*, 3 F.3d 137, 139 (5th Cir. 1993)); *see also United States ex rel. Doe v. Dow Chem. Co.*, 343 F.3d 325, 329 (5th Cir. 2003) (“leave to amend is not automatic”).<sup>2</sup>

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<sup>2</sup> “[I]n order to take advantage of th[is] liberal amendment rule[] . . . the party requesting amendment, even absent a formal motion, need only ‘set forth with particularity the grounds for the amendment and the relief sought.’” *United States ex rel. Doe v. Dow*

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A “bare request in an opposition to a motion to dismiss—without any indication of the particular grounds on which the amendment is sought, *cf.* FED. R. CIV. P. 7(b)—does not constitute a motion within the contemplation of Rule 15(a).’” *Dow Chem. Co.*, 343 F.3d at 330–31 (quoting *Willard*, 336 F.3d at 386–87). The district court did not abuse its discretion in denying Valadez’s bare request for leave to amend her complaint.

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We AFFIRM the dismissal of Valadez’s claims under 42 U.S.C. § 1983 and denial of her motion for leave to amend her complaint, VACATE the dismissal of her claim under the TTCA, and REMAND for further proceedings consistent with this opinion.

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*Chem. Co.*, 343 F.3d 325, 330–31 (5th Cir. 2003) (quoting *United States ex rel. Willard v. Humana Health Plan of Tex. Inc.*, 336 F.3d 375, 386–87 (5th Cir. 2003)).