United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
December 22, 2025
Lyle W. Cayce
Clerk

No. 25-40028

MANUEL MACIAS, *Individually and as representative of* THE ESTATE OF JASON JOHN PEREZ; DIANA PEREZ, *Individually and as representative of* THE ESTATE OF JASON JOHN PEREZ; ESTATE OF JASON PEREZ,

Plaintiffs—Appellants,

versus

CORPORAL ANALICIA PERRY, *Individually and in her official capacity*; ANALICIA VASQUEZ, *Individually and in her official capacity*; PATRICIA CARABAJAL, *Individually and in her official capacity*,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:23-CV-43

Before HAYNES, DUNCAN, and RAMIREZ, *Circuit Judges*.

PER CURIAM:[*]

Manuel Macias and Diana Perez, individually and as heirs and representatives of the Estate of Jason John Perez (collectively,

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

"Appellants"), sued various individuals, counties, and other entities for claims stemming from the death of their son, Jason John Perez ("Jason Perez"), in December 2020. For the following reasons, we AFFIRM the district court's dismissal of Appellants' claims against Analicia Perry, Analicia Vasquez, and Patricia Carabajal (collectively, "Appellees").

I. Factual & Procedural Background

As the magistrate judge and district court did, we consider the well-pleaded allegations in Appellants' operative complaint,[1] *see In re Katrina Canal Breaches Litig.*, 495 F.3d 191, 205 (5th Cir. 2007), and focus on the alleged facts involving Appellees. As alleged in that complaint, Jason Perez was diagnosed with various mental illnesses, including but not limited to "Bi-polar disorder, Paranoid schizophrenia, and depression." Eventually, Jason Perez moved to Live Oak County, Texas.[2]

In the morning on the day of Jason Perez's death, Diana Perez called the police in response to Jason Perez's behavior, including threatening her.[3] Eventually, officers located and transported Jason Perez to Live Oak County

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[1] This case comes to us on appeal from Appellees' motions to dismiss filed under Federal Rule of Civil Procedure 12(b)(1), 12(b)(5), 12(b)(6), and 4(m). Carabajal's and other defendants' arguments for dismissing under Federal Rules of Civil Procedure 4(m) and 12(b)(5) pertained to defendants not party to this appeal.

[2] Appellants' operative complaint alleges facts arising from two arrests of Jason Perez that occurred before his relocation to Live Oak County, when he was in DeWitt County, Texas. However, as previously noted, our focus is on the events that occurred after the relocation, and specifically the alleged facts involving Appellees.

[3] In the week leading up to the day of his death, Jason Perez was arrested in a separate incident, and Diana Perez called the police in another instance because of Jason Perez's "safety" and "threaten[ing]" behavior.

Jail.[4] Two of the Appellees, Perry and Vasquez,[5] worked as a corporal and officer, respectively, at Live Oak County Jail. With respect to "intake documentation" that was prepared upon Jason Perez's arrival, Appellants allege that Perry and Vasquez "failed to include the most relevant symptoms and issues suffered by Jason" Perez on a form for "Screening for Suicide and Medical/Mental/Dev. Impairments." This included answering "'NO' . . . on fields asking if Jason [Perez] was worried that someone was trying to hurt him and if he was showing signs of mental illness."[6] Appellants also assert that Perry gave "incorrect and incomplete documentation when she completed the 'Inmate Mental Condition Report to Magistrate' form," which "may have never made it to the magistrate since there is no documentation [it did]" and on which Perry "left unchecked the . . . criteria, 'Subject is violent and appears to be a danger to themselves or others.'"[7]

The other Appellee, Carabajal, worked as a health care provider for Coastal Plains Community Center, a healthcare provider at Live Oak County Jail. Per Appellants' complaint, Carabajal performed a "telephone screening" of Jason Perez and "completed the Coastal Plains Community

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[4] Per Appellants' complaint, police officers "documented" various of Jason Perez's behaviors that indicated he was experiencing mental health issues, including in a "Notice of Emergency Detention" form.

[5] Appellees averred before the district court that Perry and Vasquez are the same person. Nonetheless, as the district court did, we accept Appellants' well-pleaded factual allegations as true and treat Perry and Vasquez as different people. *See In re Katrina Canal Breaches Litig.*, 495 F.3d at 205.

[6] Appellants also allege that "[t]his inaccurate evaluation was . . . indifferently forwarded to the Magistrate" and other health service providers "to ensure that Jason [Perez] would not receive medical care for his serious medical and mental health needs," though it is unclear who "forwarded" this evaluation.

[7] Perry also "signed off" on "documentation," evidently prepared by a police officer, indicating that Jason Perez was "paranoid and delusional and at risk of harm," though it is unclear whether this refers to the same documentation.

Center MHMR assessment" of him, "us[ing] this as support for her indifferent determination that [he] did not need further in-patient treatment." Carabajal "was aware of Jason[] [Perez's] need of medical care for his mental health crisis," and the desire of one of the reporting police officers "to share . . . information about Jason[] [Perez's] mental status," though "she ignored both." Carabajal "only" documented "mania" and "mood swings" as Jason Perez's "current symptoms," "fail[ing]" to document "his bizarre/inappropriate behavior, hallucinations, paranoia, delusions, and anxiety." During her screening of Jason Perez, other individuals "noted that they overheard Jason [Perez] repeating the same delusional thoughts to Carabajal."

Jason Perez was released from Live Oak County Jail the same day. That evening, after a patrol officer unrelated to this case misidentified Jason Perez as somebody else and drove him to a restaurant, Jason Perez walked into oncoming traffic while "in a delusional state," where a car struck and killed him.

In November 2022, Appellants filed suit in the 24th Judicial District Court of DeWitt County, Texas. Several defendants removed this case to the district court based on federal question jurisdiction. *See generally* 28 U.S.C. § 1331. Appellants eventually filed a second amended complaint. Most relevant here, Appellants asserted claims for (1) violations of Jason Perez's Fourth and Fourteenth Amendment rights under 42 U.S.C. § 1983, (2) *Monell*[8] liability under § 1983, and (3) wrongful death and survival under 42 U.S.C. § 1988. Appellees and other defendants moved to dismiss, arguing that Appellants failed to allege constitutional violations, and that defendants, including Appellees, were entitled to qualified immunity.

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[8] *Monell v. Dep't. of Soc. Servs.*, 436 U.S. 658 (1978).

Pursuant to an order of reference, the magistrate judge recommended dismissing all of Appellants' claims except their § 1983 claims against Appellees. On those claims, the magistrate judge reasoned that Appellants had sufficiently alleged that Appellees were aware of, but failed to adequately provide care for, Jason Perez's mental health struggles. Appellants and Appellees timely objected to the magistrate judge's recommendations.

In March 2024, the district court modified and adopted the magistrate judge's recommendations, dismissing all of Appellants' claims, including their § 1983 claims against Appellees. Most relevant here, the district court diverged from the magistrate judge in addressing the application of Texas causation law to Appellants' claims, reasoning that Appellees' alleged conduct did not cause Jason Perez to be killed. Based on this, the district court dismissed Appellants' § 1983 claims and their wrongful death and survival claims under §§ 1983 and 1988 against Appellees. The district court entered final judgment, dismissing this case with prejudice.

Appellants moved to alter and amend the final judgment under Federal Rule of Civil Procedure 59(e), or alternatively to reinstate their claims against Appellees per Federal Rule of Civil Procedure 60(b). The magistrate judge recommended denying Appellants' motion, and no party objected. The district court adopted the magistrate judge's recommendation and denied Appellants' motion. Appellants timely appealed.

II. Standard of Review

The district court had jurisdiction over Appellants' federal statutory and constitutional claims under 28 U.S.C. §§ 1331 and 1343. While Appellants' notice of appeal indicates they "specifically appeal[ed]" the district court's order adopting the magistrate judge's recommendation to deny Appellants' motion to alter or amend the judgment, we have

jurisdiction to review the final judgment in this case under 28 U.S.C. § 1291.[9] *See Norsworthy v. Hou. Indep. Sch. Dist.*, 70 F.4th 332, 335–36 (5th Cir. 2023).

We apply de novo review to the district court's grant of the Rule 12(b)(6) motions to dismiss, drawing all reasonable inferences in Appellants' favor and accepting as true all well-pleaded facts.[10] *See Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 249 (5th Cir. 2017); *Jim S. Adler, P.C. v. McNeil Consultants, L.L.C.*, 10 F.4th 422, 426 (5th Cir. 2021). "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.'" *Jim S. Adler, P.C.*, 10 F.4th at 426 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). "We do not accept as true conclusory allegations, unwarranted factual inferences, or legal conclusions." *Plotkin v. IP Axess Inc.*, 407 F.3d

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[9] We briefly note that, on appeal, Appellants request that we reverse the dismissal of their *Monell* claims against several county defendants. However, Appellants filed a notice and supplemental notice of appeal that both expressly indicate that they filed their notices only "against Defendants, Analicia Perry, Analicia Vasquez, and Patricia Carabajal." While we liberally interpret notices of appeal, this is not an instance "where it is clear that the appealing party intended to appeal the entire case." *Tr. Co. Bank v. U.S. Gypsum Co.*, 950 F.2d 1144, 1148 (5th Cir. 1992). Rather, the opposite is true—Appellants filed two notices of appeal, both of which expressly state that they were *only* appealing parts of the district court's opinion related to Appellees. Thus, and consistent with the Federal Rules of Appellate Procedure, we do not consider Appellants' appellate arguments regarding their *Monell* claims against entities not party to this appeal. *See generally* FED. R. APP. P. 3(c)(6).

[10] While Appellants failed to object to the magistrate judge's recommendation to dismiss their motion to alter and amend the final judgment, if "the district court undertakes an independent review of the record, our review is de novo, despite any lack of objection." *Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017) (citation omitted). This principle applies here, where the district court noted that it reviewed the magistrate judge's findings of fact and conclusions of law "and all other relevant documents in the record." *See generally id.* at 249 (determining same where district court explained "that it found the magistrate judge's report and recommendation to be 'supported by the law and the record in this matter'").

690, 696 (5th Cir. 2005) (citation omitted). "We may affirm the district court's dismissal on any ground the record supports." *Gonzalez v. Blue Cross Blue Shield Ass'n*, 62 F.4th 891, 898 (5th Cir. 2023) (citation omitted).

III. Discussion

While confusingly written, on appeal the only constitutional violations that Appellants appear to assert are that Appellees violated Jason Perez's Fourteenth Amendment right to medical care through their deliberately indifferent treatment (or lack thereof). In turn, these constitutional violations are the basis for Appellants' wrongful death (i.e., that Appellees' deliberate indifference led to Jason Perez's death) and survival claims (i.e., for injuries suffered by Jason Perez while he was in Live Oak County Jail). Thus, we focus on the foundation of Appellants' claims: Appellees' alleged deliberate indifference.

"[P]retrial detainees have a constitutional right, under the Due Process Clause of the Fourteenth Amendment, not to have their serious medical needs met with deliberate indifference on the part of the confining officials." *Thompson v. Upshur Cnty.*, 245 F.3d 447, 457 (5th Cir. 2001) (citing, *inter alia*, *Estelle v. Gamble*, 429 U.S. 97, 103 (1976)); *see Hare v. City of Corinth*, 74 F.3d 633, 650 (5th Cir. 1996) (en banc). As we have explained in motions to dismiss, "[t]o succeed on a deliberate-indifference claim, plaintiffs must show that (1) the official was aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and (2) the official actually drew that inference." *Dyer v. Houston*, 964 F.3d 374, 380 (5th Cir. 2020) (citation modified).

"Deliberate indifference is an extremely high standard to meet." *Domino v. Tex. Dep't of Crim. Just.*, 239 F.3d 752, 756 (5th Cir. 2001). "Our cases have consistently recognized . . . that deliberate indifference cannot be inferred merely from a negligent or even a grossly negligent response to a

substantial risk of serious harm." *Dyer*, 964 F.3d at 381 (citation modified). Indeed, "an incorrect diagnosis by prison medical personnel does not suffice to state a claim for deliberate indifference." *Domino*, 239 F.3d at 756 (citation omitted). Instead, "the plaintiff must show that the officials refused to treat him, ignored his complaints, intentionally treated him incorrectly, or engaged in any similar conduct that would clearly evince a wanton disregard for any serious medical needs." *Id.* (citation modified). As we have underscored, "the decision whether to provide additional treatment 'is a classic example of a matter for medical judgment,'" *id.* (quoting *Estelle*, 429 U.S. at 107), while "the 'failure to alleviate a significant risk that [the official] should have perceived, but did not' is insufficient to show deliberate indifference," *id.* (quoting *Farmer v. Brennan*, 511 U.S. 825, 838 (1994)).

The district court reasoned that Appellants' § 1983 claims and § 1988 wrongful death and survival claims all failed because, under applicable Texas law, Appellees' purported failure to properly treat and screen Jason Perez did not cause him to be on the highway where he was killed. Appellants contest these conclusions, arguing that they plausibly alleged causation, and the district court erred by failing to separately analyze their survival and wrongful death claims. Appellants are correct that we assess causation for § 1983 survival and wrongful death claims differently.[11] *See Moore v. LaSalle Mgmt. Co., L.L.C.*, 41 F.4th 493, 504 (5th Cir. 2022). However, "[w]e may [still] affirm the district court's dismissal" of Appellants' claims against Appellees "on any ground the record supports." *Gonzalez*, 62 F.4th at 898 (citation omitted). Here, we conclude that the district court properly dismissed

[11] It is very obvious that the death was not caused by Appellees' conduct, even their alleged negligence.

Appellants' claims against Appellees because Appellants failed to plausibly allege deliberate indifference claims against Appellees.

The thrust of Appellants' complaint regarding Appellees is that Perry and Vasquez disregarded their observations and knowledge of Jason Perez's mental health struggles and failed to properly document, or gave "blanket," incorrect answers regarding, Jason Perez's mental health symptoms on certain screening forms. Perry's and Vasquez's actions "gave the impression that Jason [Perez] was not in a crisis mode," which thus "decreased" the "likelihood" of Jason Perez receiving "a thorough evaluation and specialized treatment."

Appellants' complaint also asserts that Carabajal conducted a telephone screening of Jason Perez, prepared the "Coastal Plains Community Center MHMR assessment," and used that assessment to "support" her "determination that Jason [Perez] did not need further in-patient treatment." Carabajal, who was "[e]quipped with a mixture of thorough and indifferent reporting from certain" police officers and "incomplete . . . data, . . . intentionally ignored all the information she was given" and "contradicted her own findings in deciding that Jason [Perez] did not meet the criteria for access to further mental health treatment." Appellants allege that, while Carabajal filled out certain information on Jason Perez's symptoms, she "failed" to document other, relevant, and "obvious" symptoms and reached erroneous conclusions on Jason Perez's mental health risk profile. Appellants characterize Carabajal as "fail[ing] to medically treat Jason [Perez] at all."

In considering these allegations, *Dyer* is instructive. The paramedic defendants in that case found the decedent, prior to his death, "exhibiting erratic behavior" while in police detention. *Dyer*, 964 F.3d at 377. The paramedics evaluated the decedent, including a "serious head injury" he

had. *Id.* at 377–78. These paramedics "were aware" that the decedent, in addition to "consum[ing] LSD," "was incoherent and screaming," "not rational," and "in a drug induced psychosis." *Id.* After the paramedics "finished looking at" the decedent, the decedent was taken to a police car. *Id.* at 378. There were no allegations that the paramedics provided any treatment to the decedent in light of these facts. *See id.* at 377–78. "The thrust of the complaint," we summarized, was that the paramedics, "after examining" the decedent "and observing his head injury and drug-induced behavior, . . . should have provided additional care—such as sending [the decedent] to the hospital, accompanying him to jail, providing 'further assessment or monitoring,' or sedating him." *Id.* at 381.

Nonetheless, in considering the district court's grant of a motion to dismiss the complaint based on qualified immunity, we concluded that the complaint failed to "plausibly state[] a deliberate-indifference claim against the Paramedics." *Id.* In so concluding, we reviewed our deliberate indifference precedent, underscoring that "a negligent or even a grossly negligent response to a substantial risk of serious harm" does not give rise to deliberate indifference. *Id.* (citation omitted). We also noted that "we have long held that the decision whether to provide additional treatment is a classic example of a matter for medical judgment, *which fails to give rise to a deliberate-indifference claim*." *Id.* (emphasis added) (citation modified).

Against this backdrop, and given that "[d]eliberate indifference is an *extremely high* standard to meet," *Domino*, 239 F.3d at 756 (emphasis added), we cannot conclude that Appellants' complaint plausibly states a deliberate indifference claim against Appellees. "At most," Appellants "alleg[ed] that the [Appellees] acted with negligence in not taking further steps to treat"

Jason Perez while he was in Live Oak County Jail.[12] *Dyer*, 964 F.3d at 381. These allegations do not rise to a plausible claim for deliberate indifference. *See id.* at 380–81. Appellees' "decision[s]" on "whether to provide [Jason Perez] additional treatment [are] a classic example of a matter for medical judgment," and they do not "give rise to a deliberate-indifference claim" against Appellees. *Id.* at 381 (citation modified).[13]

IV. Conclusion

For the foregoing reasons, we AFFIRM the district court's judgment.

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[12] Indeed, Appellants acknowledge that Carabajal marked "mania" and "mood swings" as symptoms when completing Jason Perez's documentation. Though Appellants argue that Carabajal should have *further* noted "bizarre/inappropriate behavior, hallucinations, paranoia, delusions, and anxiety" on such documentation, they also acknowledge that Carabajal was (with emphasis added) "[e]quipped with a mixture of thorough *and indifferent* reporting," as well as "*incomplete* . . . data." While we "draw all reasonable inferences in favor of" Appellants, we also "accept all well-pleaded facts as true," including these alleged facts. *See Jim S. Adler, P.C.*, 10 F.4th at 426 (citation omitted). These alleged facts, in turn, reinforce our conclusion as to the claims against Appellees. *See generally Gobert v. Caldwell*, 463 F.3d 339, 346 (5th Cir. 2006) ("Unsuccessful medical treatment, acts of negligence, or medical malpractice do not constitute deliberate indifference, nor does a prisoner's disagreement with his medical treatment, absent exceptional circumstances." (citation omitted)).

[13] As previously noted, the basis for Appellants' § 1983 wrongful death and survival claims against Appellees is Appellees' allegedly unconstitutional deliberate indifference. While we agree with the district court's analysis of causation under Texas law with respect to Appellants' § 1983 and wrongful death claims, we do not need to reach this issue to decide this appeal. Rather, our conclusion here, that Appellants' allegations do not rise to a plausible deliberate indifference claim, defeats Appellants' wrongful death and survival claims. *See generally Phillips ex rel. Phillips v. Monroe Cnty.*, 311 F.3d 369, 374 (5th Cir. 2002) ("[A] plaintiff seeking to recover on a wrongful death claim under § 1983 must prove *both* the *alleged constitutional deprivation* required by § 1983 *and* the causal link . . . . (emphasis added)); *Moore*, 41 F.4th at 504 ("Claims brought as part of a survival action . . . redress any *constitutional injuries* suffered by the Decedent *before* his death." (first emphasis added) (citation modified)).