

United States Court of Appeals for the Fifth Circuit

No. 25-40464

United States Court of Appeals
Fifth Circuit

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Thomas B. Plunkett, III
Clerk

GUILLERMO SAN MIGUEL MARTINEZ, *Individually and as Representative of* THE ESTATE OF GUILLERMO SAN MIGUEL SANCHEZ; MAURA SANCHEZ, *Individually and as Representative of* THE ESTATE OF GUILLERMO SAN MIGUEL SANCHEZ; ELSA M. CORONADO; MAGDALENA CONDE; ZENAIDA SANCHEZ; CECILIA TUSING; MIRTA SAN MIGUEL; ALEJANDRO SAN MIGUEL; MAURO SAN MIGUEL,

Plaintiffs—Appellants,

versus

HIDALGO COUNTY; BRIAN AYALA, *Individually and in his Capacity as a Sheriff's Deputy for Hidalgo County*; JUAN FLORES, *Individually and in his Capacity as a Sheriff's Deputy for Hidalgo County*,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:23-CV-388

Before KING, SMITH, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

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

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This is an appeal of two orders from the district court in litigation arising out of the fatal shooting of Guillermo Sanchez in an altercation with two Hidalgo County deputies at his residence. The first order granted final summary judgment in favor of Defendant-Appellees—Deputies Brian Ayala and Juan Flores and the County of Hidalgo—as to all claims brought against them under 42 U.S.C. § 1983 and the Texas Tort Claims Act. The second order denied the Plaintiff-Appellants’ motion to alter or amend judgment under FED. R. CIV. P. 59(e). For the reasons stated below, we AFFIRM.

I

The events culminating in the lethal shooting of Guillermo San Miguel Sanchez (“Sanchez”) occurred on October 6, 2021, beginning with a 911 call. On that Wednesday morning, Deputy Juan Flores of the Hidalgo County Sheriff’s Office received a call from dispatch informing him about a domestic dispute between a mother and son at 8222 Ruben Navarro Street in Weslaco, TX. Deputy Flores promptly made his way to the home.

The first thing Deputy Flores saw upon arriving was Maura Sanchez (“Mrs. Sanchez”) standing by the roadway crying. He spoke to Mrs. Sanchez, who identified herself as a resident of the home. She told Deputy Flores, in Spanish, that her son Guillermo Sanchez had been aggressive toward her since Saturday, that he had punched her, and that he had pushed her out of her room and out of the house. Mrs. Sanchez stated that her son had mental health issues, including bipolar disorder, had not been taking his medications, and had recently been inpatient at Tropical (a local behavioral health facility). She said Sanchez had locked himself in their home and did not have access to weapons.

Deputy Flores then spoke with two nearby female witnesses. One of them was Georgina Turrubiarres (“Turrubiarres”), a family friend, who witnessed Sanchez mistreating his mother. Flores then approached the home

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and attempted to open the front door, but it was locked. He knocked several times and loudly identified himself as being with the Sheriff's Office. Sanchez did not respond. Deputy Flores walked around the home to a window, where he could hear loud music playing inside.

Shortly thereafter, Deputy Brian Ayala arrived. Flores briefed Ayala about the situation. Ayala spoke with Mrs. Sanchez. As Ayala recalls, he noticed Mrs. Sanchez had facial injuries.

Deputy Ayala asked Mrs. Sanchez if he could force open the door. Mrs. Sanchez responded: "Yes, my daughter is already on her way. She'll give you permission. She's already on her way."¹ When Deputy Flores asked her if her daughter had keys to enter, Mrs. Sanchez responded: "No, she's going to talk to him. Once she talks to him maybe he'll open it for you. Voluntarily." The sister had, in the past, successfully calmed Sanchez down when he was agitated.

Deputy Ayala then walked up to the home and approached a window with an A/C unit, which he believed to be part of Sanchez's room. He heard loud music playing. He removed blankets and a towel blocking a space between the A/C and the wall, and then called out Sanchez's name. No response. Ayala turned and walked toward the corner of the home. As he did so, the window glass suddenly shattered. Ayala could hear other things being broken inside the home. Deputy Flores dashed over to Ayala and stated that Sanchez was mentally unstable and not taking medication. Ayala paused for a moment, and then responded that they should kick the front door open. Ayala had determined there was probable cause to arrest Sanchez for assault

¹ Mrs. Sanchez said this in Spanish. Her statements were recorded by both deputies' body cameras, and then transcribed and translated into English by a certified translator and court interpreter. The quoted language is excerpted from the certified translation that was submitted to the district court and is part of the record on appeal.

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and family violence. He was concerned Sanchez would continue causing damage to the home and decided to enter and effect an arrest.

Several witnesses watched from the street, including Mrs. Sanchez. Bodycam video footage showed that, as the deputies approached the front door, a woman's voice repeatedly shouted at them in Spanish to break down the door. Deputy Ayala twice responded "sí" ("yes") in Spanish. The two deputies understood this to be Mrs. Sanchez giving consent for entry. They broke down the door, and went in.

Video footage from both deputies' bodycams recorded all the subsequent events. Upon their warrantless entry, the deputies pulled out their guns and again identified themselves as being with the Sheriff's Office. They saw debris scattered across the living room. Loud music played from a speaker in Sanchez's room. Both deputies saw Sanchez sitting in a computer chair in his room and holding a large, 8-inch kitchen knife.

The deputies asked Sanchez to come out with his hands up and drop the knife. Sanchez, holding up his kitchen knife, walked up to the bedroom door. Ayala commanded Sanchez not to walk near them while holding the knife up. They repeated these commands multiple times. Sanchez pushed the door closed.

Deputy Ayala pushed the door open with a broken table leg. Sanchez pointed his knife at the deputies in response. The two deputies pointed their guns at Sanchez and repeatedly ordered that he drop his knife. Sanchez yelled at the deputies to get out of his house. Sanchez then closed his door.

After Sanchez closed his door, the bodycam audio records one deputy saying, "if he starts coming at us . . . we're gonna have to do what we have to do." The deputies asked Sanchez to drop his knife, turn off the loud music, and speak with them. Sanchez ignored them, cursed at them, and remained in his room for a little over a minute.

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Then Deputy Ayala, looking through a doorknob hole, saw Sanchez stand up from his chair, approach his bedroom door, and open it. Ayala warned Flores to be careful and that Sanchez was getting up. Flores positioned himself nearer Ayala. Sanchez opened his door, with knife in hand, and walked through the frame toward the deputies. Deputy Ayala pointed his gun at Sanchez and yelled “hey!” Sanchez continued toward the deputies.

In response, the deputies fired their guns at Sanchez. Sanchez stopped, turned around, and fell to the ground. The deputies then approached, handcuffed Sanchez, secured the knife, and began rendering medical aid until medics arrived. Tragically, Sanchez succumbed to his injuries and died that day.

Plaintiff-Appellants Guillermo San Miguel Martinez and Maura Sanchez, individually and as representatives of the estate of Guillermo San Miguel Sanchez, brought a wrongful death and survival action in Texas state court, which Defendants removed to federal court. Plaintiff-Appellants’ operative complaint asserted claims under 42 U.S.C. § 1983 against Ayala and Flores in their individual and official capacities as County Sheriff’s deputies for allegedly depriving Sanchez of his Fourth Amendment right to be free from warrantless entry into his home, warrantless arrest, and excessive force used against him. Plaintiff-Appellants also brought claims against Hidalgo County under the Texas Tort Claims Act (“TTCA”) for the alleged negligent use of guns and bullets that fatally injured Sanchez.

Defendant-Appellees filed a summary judgment motion as to all claims. The district court granted their motion in full based on two key conclusions. First, it held that the county could not be held liable under the TTCA. The TTCA does not waive sovereign immunity for intentional torts, and the district court concluded that all of Plaintiff-Appellants’ claims

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arose out of the deputies' intentional conduct. Second, the district court held that the § 1983 claims failed because there was no constitutional violation. The district court entered final judgment dismissing all claims with prejudice.

Then, Plaintiff-Appellants filed a motion under FED. R. CIV. P. 59(e) to alter or amend the final judgment. They asserted that new critical evidence was uncovered, that intervening change in controlling law required the court to reconsider its summary judgment holding, and that the need to correct supposed clear error warranted their requested relief. The district court rejected all the grounds for amending the final judgment and denied the motion.

Appellants timely appealed both the order granting summary judgment and the order denying the Rule 59(e) motion. We review each.

II

Two distinct rules for the proper standard of review apply. First, we review the final order granting summary judgment *de novo*, applying the same standards as the district court. *DeVoss v. Sm. Airlines Co.*, 903 F.3d 487, 490 (5th Cir. 2018) (citation modified).

Second, the applicable standard of review for the Rule 59(e) motion depends “on whether the district court considered the materials attached to the [moving party’s] motion, which were not previously provided to the court.” *Templet v. HydroChem Inc.*, 367 F.3d 473, 477 (5th Cir. 2004). Abuse of discretion applies if the district court does not consider the new evidence. *Id.* But if the district court considers the moving party’s evidence and still grants summary judgment, we review the decision *de novo*. *Id.*

Here, the district court stated that “none of the evidence would alter the [c]ourt’s final determination of Plaintiffs’ claims” and therefore they

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could not “show the importance of the evidence to the disposition of the case.” It then explained why the evidence was either irrelevant or did not undermine the prior legal analysis. Because the district court clearly considered Appellants’ newly proffered evidence in denying the motion, the proper standard on appeal is *de novo* review.

III

A

Appellants argue that the district court erred in granting final summary judgment in favor of Appellees. FED. R. CIV. P. 56(a) requires a district court to grant summary judgment when there is no genuine dispute as to any material fact, and the moving party is entitled to judgment as a matter of law. Purported facts are construed in the light most favorable to the non-movant. *Carnaby v. City of Houston*, 636 F.3d 183, 187 (5th Cir. 2011). Even with that construction, “we assign greater weight . . . to the facts evident from video recordings taken at the scene.” *Id.* (citing *Scott v. Harris*, 550 U.S. 372 (2007)).

“When the moving party has carried its burden under Rule 56(c), its opponent must do more than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986) (footnote omitted). Moreover, “[w]hen opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment.” *Scott*, 550 U.S. at 380.

We review the claims in the summary judgment ruling in the same order as the district court. First, we review the claims against Hidalgo County under the TTCA. Second, we turn to the § 1983 claims against deputies

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Ayala and Flores in their individual capacities. Third, we consider the § 1983 claims against Hidalgo County.

1

Appellants seek to use the Texas Tort Claims Act to circumvent sovereign immunity and hold Hidalgo County liable. We agree with the district court that the TTCA does not apply to Appellees' conduct.

The TTCA subjects Texas government entities to liability for “personal injury and death so caused by a condition or use of tangible personal . . . property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.” TEX. CIV. PRAC. & REM. CODE § 101.021(2). The Act waives sovereign immunity for claims brought under it, but not if the claims are for intentional torts. *Aguirre v. City of San Antonio*, 995 F.3d 395, 422 (5th Cir. 2021); TEX. CIV. PRAC. & REM. CODE § 101.057(2).

“Claims of excessive force in the context of a lawful arrest arise out of a battery rather than negligence, whether the excessive force was intended or not.” *Quinn v. Guerrero*, 863 F.3d 353, 364 (5th Cir. 2017) (quoting *City of Watauga v. Gordon*, 434 S.W.3d 586, 593 (Tex. 2014)). “[I]ntentional conduct, no matter how it is pled, falls under the TTCA’s sovereign immunity waiver exception.” *Aguirre*, 995 F.3d at 422 (citing *Tex. Dep’t of Pub. Safety v. Petta*, 44 S.W.3d 575, 580 (Tex. 2001)).

The record makes clear that the crux of Appellants’ claims is “excessive force in the shooting, which sounds in intentional tort.” *Quinn*, 863 F.3d at 364 (citation modified). The same holds true for the claim that the deputies used excessive force in handcuffing Sanchez. *See Aguirre*, 995 F.3d at 422 (“Plaintiffs do not and cannot dispute that putting Aguirre in handcuffs . . . was intentional conduct by the Officers.”). Hidalgo County

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retains sovereign immunity pursuant to the TTCA waiver exception. We therefore affirm the district court's dismissal of Appellants' TTCA claim.

2

Defendant-Appellees assert that all of Appellants' claims under 42 U.S.C. § 1983 against deputies Ayala and Flores are barred by qualified immunity. Appellants argue that there are material factual disputes regarding each element of the qualified immunity analysis that made the granting of summary judgment improvident.

Qualified immunity shields government employees "from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). When a defendant official moves for summary judgment on the basis of qualified immunity, "the burden then shifts to the plaintiff, who must rebut the defense by establishing a genuine fact issue as to whether the official's allegedly wrongful conduct violated clearly established law." *Aguirre*, 995 F.3d at 406 (quoting *Darden v. City of Fort Worth*, 880 F.3d 722, 727 (5th Cir. 2018)).

Determining whether a government official is entitled to qualified immunity is a two-prong inquiry. First, we must determine whether the facts, taken in the light most favorable to the party asserting the injury, show the official's conduct violated a federal right. *Aguirre*, 995 F.3d at 406. Second, we examine whether the right in question was clearly established at the time of the violation. *Id.* We have discretion to consider either prong first. *Pearson*, 555 U.S. at 236.

Appellants fail prong one. They point to three alleged violations under the Fourth Amendment: unlawful warrantless entry into the home, warrantless arrest without probable cause, and excessive force. The record,

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however, cannot establish any of these. We therefore affirm dismissal of the § 1983 claims against Ayala and Flores.

a

Appellants first claim that Sanchez’s Fourth Amendment rights were violated when deputies Ayala and Flores entered his home without a warrant. They argue that Appellees lacked consent to enter and confronted no exigent circumstances that would justify warrantless entry.

“The Fourth Amendment protects against unreasonable searches and seizures” and this circuit’s caselaw makes clear that “[w]arrantless searches of a person’s home are presumptively unreasonable *unless the person consents*.” *Wernecke v. Garcia*, 591 F.3d 386, 393 (5th Cir. 2009) (citation modified) (emphasis added). Only exigent circumstances or consent justify the warrantless arrest of a person inside his home. *United States v. Watson*, 273 F.3d 599, 602 (5th Cir. 2001). A third party with common control over the area an official intends to search may confer consent. *See Harris v. Serpas*, 745 F.3d 767, 773 (5th Cir. 2014), *abrogated on other grounds by Barnes v. Feliz*, 605 U.S. 73 (2025).

We review whether consent was given based on the totality of the circumstances. *Gates v. Tex. Dep’t of Protective & Regul. Servs.*, 537 F.3d 404, 420 (5th Cir. 2008). “[T]he standard for measuring the scope of . . . consent under the Fourth Amendment is that of ‘objective’ reasonableness—what would the typical reasonable person have understood by the exchange between the officer and the suspect?” *Id.* (quoting *Florida v. Jimeno*, 500 U.S. 248, 251 (1991)) (alteration in original).

Defendant-Appellees say, and the district court found, that Mrs. Sanchez gave deputies Ayala and Flores permission to break into the home. Bodycam footage and audio appear to show Mrs. Sanchez telling the deputies, in Spanish, to “break the door open,” to which Flores responded

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by saying “yes” immediately preceding entry. Although Mrs. Sanchez previously asked the deputies to wait until her daughter arrived², she appears to have changed her mind and made these statements in response to an escalation in her son’s condition. The son had just broken a window in front of the deputies and could clearly be heard loudly breaking and tossing furniture and other items inside the home. Both deputies interpreted “break the door open” as granting consent to enter in light of these changed circumstances, and reasonably so. The Spanish language words were recorded by the bodycam footage and were transcribed and translated by a certified court interpreter. Appellants do not dispute the accuracy of the translation, the credentials of the court interpreter, or that the phrase “break the door open” was uttered.

Appellants instead dispute the issue of consent on other grounds. First, they say the record suggests Mrs. Sanchez did not have common control and thus could not give consent. The record, however, indisputably establishes her common control. Mrs. Sanchez told Ayala and Flores that she was a resident of 8222 Ruben Navarro Street. Affidavits from Turrubiarres and Ana Cecilia Rangel (“Rangel”) both state that she lived at that property. Mrs. Sanchez, as a co-occupant of the home with her son, and as an individual who ordinarily had access to the home and authority to invite others into it, had common control. *See Harris*, 745 F.3d at 773–74 (holding that roommate who co-occupied home with suspect and gave officers keys to suspect’s room had common control sufficient to grant consent to search).

² Both Turrubiarres and Rangel state in their affidavits that Mrs. Sanchez did not give the deputies consent to enter the home. But neither denies Mrs. Sanchez made this statement or that the phrase “break the door open” was uttered. The video evidence clearly contradicts any allegation that no one told the deputies they could break into the home. We will not adopt a version of facts that is “blatantly contradicted by the record[.]” *Scott*, 550 U.S. at 380.

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Appellants point to the fact that Mrs. Sanchez lacked a key, but that is explained by her own statement that her son locked her out of the home. Mrs. Sanchez's lack of actual access to her own home at the moment the deputies were present does not negate her common control. What is critical here is that Mrs. Sanchez clearly was a co-resident of the home, and with that had authority to invite others inside.

Appellants also point to a post-incident search warrant that fails to list Mrs. Sanchez as a person in control of the property. But that warrant does not purport to list all the residents of the home and does not contradict Mrs. Sanchez's own statement saying she lived there. Nothing else in the record casts doubt on Mrs. Sanchez's residency at 8222 Ruben Navarro Street, so there is no genuine dispute as to her common control.

Appellants also raise the possibility that the phrase was uttered by someone *without* authority to give consent; i.e., not Mrs. Sanchez. The bodycam footage shows that Mrs. Sanchez was with two other women at the scene when the phrase "break down the door" was shouted. Both deputies contend that it was Mrs. Sanchez speaking. Plaintiff-Appellants vigorously dispute the identity of the speaker. Appellants draw our attention to the fact that a court interpreter tasked with transcribing and translating the bodycam audio admitted that she could not determine the identity of the speaker who said "break down the door." Appellants claim that these facts create a genuine dispute as to the identity of the speaker, which in turn casts doubt on whether valid consent was given.

We disagree. Although at this stage we draw inferences in Appellants' favor, that rule of construction applies "only when there is an actual controversy," i.e., "when both parties have submitted evidence of contradictory facts." *Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc). And we may "consider 'the facts in the light depicted by the

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videotape[s]’” that are part of the record. *Carnaby*, 636 F.3d at 187 (quoting *Scott*, 550 U.S. at 381).

Here, the facts point to Mrs. Sanchez as the one who ordered the deputies to “break down the door.” Both Deputy Ayala and Deputy Flores stated that they heard Mrs. Sanchez utter those words. Ayala even responded by saying “sí.” The audio of both deputies’ bodycam footage makes indisputably clear that the speaker was female.

Although it is true that a court interpreter could not identify the speaker from the bodycam audio, that does not contradict the contention that the speaker was Mrs. Sanchez. If, as Appellants suggest, Mrs. Sanchez did not shout “break down the door,” then who did? Appellants do not say. And they cannot point to anything in the record suggesting another female said it. Appellants “must do more than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita*, 475 U.S. at 586 (footnote omitted). But they fail to do so.

The best they do is point to the affidavits of Turrubiartes and Rangel, wherein both state in general terms that Mrs. Sanchez told the deputies to wait for her daughter and that she never gave consent to break down the door. Neither, however, states that Mrs. Sanchez never shouted the words “break down the door.” And neither claims they themselves, or someone other than Mrs. Sanchez, shouted those words. Appellants did not produce any affiant who claims she was the speaker. We will not, “in the absence of any proof, assume that the nonmoving party could or would prove the necessary facts.” *Little*, 37 F.3d at 1075 (citing *Lujan v. Nat’l Wildlife Fed’n*, 497 U.S. 871, 888 (1990)).

There is no genuine dispute here that Mrs. Sanchez was the one who commanded Ayala and Flores to “break down the door.” Accordingly, we

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conclude the deputies had consent³ and did not violate the Fourth Amendment by breaking into the home.

b

Appellants next assert Ayala and Flores violated Sanchez's Fourth Amendment rights when they arrested him without a warrant and without probable cause. "The Fourth Amendment requires that an arrest be supported by a properly issued arrest warrant or probable cause." *Glenn v. City of Tyler*, 242 F.3d 307, 313 (5th Cir. 2001). Probable cause is "not a high bar" and only requires "a probability or substantial chance of criminal activity." *District of Columbia v. Wesby*, 583 U.S. 48, 57 (2018) (citation modified).

"We view the existence of probable cause according to the totality of the circumstances." *Terrell v. Allgrunn*, 114 F.4th 428, 434 (5th Cir. 2024) (citing *Wesby*, 583 U.S. at 60–61). We do so by "examin[ing] the events leading up to the arrest" and seeing if the facts, "viewed from the standpoint of an objectively reasonable police officer," amount to probable cause. *Id.* (quoting *Wesby*, 583 U.S. at 56–57). Deputies Ayala and Flores are entitled to qualified immunity for their warrantless arrest if "a reasonable person in their position could have believed he had probable cause to arrest" Sanchez. *Glenn*, 242 F.3d at 313 (quoting *Goodson v. Corpus Christi*, 202 F.3d 730, 740 (5th Cir. 2000)).

The deputies decided they had probable cause to arrest Sanchez for assault on a family member after hearing Mrs. Sanchez say her son punched and pushed her and witnessing injuries on her face. Both deputies personally

³ Because consent is enough here to conclude there was no constitutional violation, there is no need to consider whether exigent circumstances separately permitted warrantless entry.

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witnessed Sanchez's erratic behavior, including breaking the bedroom window and throwing objects within the home. Ayala was concerned Sanchez would continue causing damage to the home.

Texas law defines the offense of "family violence" as "an act by a member of a family household against another member of the family or household that is intended to result in physical harm, bodily injury, [or] assault" or "reasonably places the member in fear of physical harm, bodily injury, [or] assault[.]" TEX. FAM. CODE § 71.004(1). Under Texas law, the deputies have authority to "arrest, without warrant . . . persons who the peace officer has probable cause to believe have committed an offense involving *family violence*["] TEX. CODE CRIM. PROC. ART. 14.03(a)(4) (emphasis added). Based on what the deputies observed, any reasonable person would believe Sanchez had likely committed the offense of family violence. Moreover, the deputies' warrantless arrest was explicitly permitted by Texas law.

Ayala and Flores had probable cause. Their warrantless arrest did not run afoul of the Fourth Amendment.

c

Finally, Appellants brought an excessive force claim. "When a plaintiff alleges excessive force during an investigation or arrest, the federal right at issue is the Fourth Amendment right against unreasonable seizures." *Aguirre*, 995 F.3d at 406 (quoting *Tolan v. Cotton*, 572 U.S. 650, 656 (2014)). "To prevail on an excessive force claim, the plaintiff must show: (1) an injury, (2) that resulted directly from an officer's use of force, and (3) that the force used was objectively unreasonable." *Id.* (citation modified).

Determining objective reasonableness hinges on "whether the force deployed was justified from the perspective of a reasonable officer on the scene, taking due account of both the individual interests and the

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governmental interests at stake.” *Barnes*, 605 U.S. at 79 (citation modified). An “inquiry into the reasonableness of police force requires analyzing the totality of the circumstances.” *Id.* at 80 (citation modified). It requires “careful attention to the circumstances relating to the incident as then known to the officer.” *Id.* (citation modified).

The parties do not dispute the first or second prongs of this excessive force claim. The issue here is whether the lethal force was objectively unreasonable. We conclude that, under the current state of Fourth Amendment law, it was not unreasonable.

“The use of deadly force is constitutional when the suspect poses a threat of serious physical harm to the officer or others.” *Elizondo v. Green*, 671 F.3d 506, 510 (5th Cir. 2012) (citing *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)). The facts in *Elizondo v. Green* are very similar to the case at bar. *See* 671 F.3d at 508.

In *Elizondo*, the mother and sister of a young teenager named Ruddy found Ruddy in his bedroom holding a knife to his abdomen. *Id.* Ruddy had previously attempted suicide by stabbing himself, so his family called 911. *Id.* Officer Green responded. *Id.* Upon arriving at the scene, the officer went to Ruddy’s bedroom and found the teen holding the knife. *Id.* Green drew his gun and ordered Ruddy to drop the knife. *Id.* Ruddy refused to comply, cursed at Green, and yelled at the officer to shoot him. Green warned Ruddy not to come close. *Id.* Despite the warning, Ruddy moved toward Green and raised his knife in a threatening motion. *Id.* Green responded by firing his gun. *Id.* The *Elizondo* court held that “[c]onsidering the totality of the circumstance in which Green found himself, it was reasonable for him to conclude that Ruddy posed a threat of serious harm.” *Id.* at 510.

Sanchez’s tragic case concerns circumstances nearly identical to those in *Elizondo*. Bodycam footage shows a mentally disturbed Sanchez holding a

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large knife through his entire confrontation with law enforcement. It shows the deputies' repeated commands for Sanchez to drop his weapon and not to approach with it. It shows Sanchez shouting at the officers and ignoring instructions. Finally, it shows Sanchez unexpectedly walking toward the deputies with a weapon in hand. Considering Sanchez's close proximity to the deputies, the confined space the three were in, and the hostility Sanchez exhibited, the deputies had probable cause to believe Sanchez was about to stab them with an 8-inch knife.⁴ The totality of the circumstances here presents exactly the sort of imminent, serious physical threat that *Elizondo* held was sufficient to justify firing one's gun. *Elizondo*'s holding applies with full force here as well.

None of Appellants' arguments sufficiently distinguish their case. They dispute the deputies' account that Sanchez pointed the knife directly at them. But even if the knife was pointed down, Sanchez's overall hostile behavior and possession of the weapon still posed a threat. Appellants also dispute Appellees' account of minute details of the altercation. But this does not challenge the material facts establishing the possible imminent threat of being stabbed. Appellants further aver that the officers should have retreated or attempted alternative methods before using lethal force. But the relevant inquiry here is whether Sanchez "pose[d] a threat of serious physical harm to the officer or others." *Id.* The deputies were not required to first attempt alternative methods in response to the threat, as long as their actions in that regard were reasonable. *See Ramirez v. Knoulton*, 542 F.3d 124, 129–30 (5th Cir. 2008). Here, the trip-and-fall risk from surrounding debris in the home

⁴ Indeed, Deputy Ayala stated that, in that moment, he sincerely believed that Sanchez was going to stab him. He believed that if he stepped back, he could trip on surrounding debris and fall. Deputy Flores also felt concerned for his life and safety.

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and the suddenness of Sanchez's approach made it so that the deputies' omission to attempt non-lethal methods was reasonable.

Appellants further argue that the number of shots fired—eleven—and the locations on Sanchez's body that were aimed at were excessive. This, too, is foreclosed by applicable excessive force precedent. “[I]f police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended.” *Plumhoff v. Rickard*, 572 U.S. 765, 777 (2014). Here, Ayala and Flores fired only until Sanchez turned around and fell. That does not rise to the level of being objectively unreasonable. *See Garza v. Briones*, 943 F.3d 740, 747–48 (5th Cir. 2019) (holding that firing sixty-one shots was not objectively unreasonable where “Defendants stopped firing when [the suspect] fell to the ground and was no longer a threat”).

As one final grasp at a claim, Appellants point to the handcuffing of Sanchez as excessive. But there is no viable excessive force claim there either. A plaintiff making an excessive force claim must assert an injury that is more than *de minimis*. *Freeman v. Gore*, 483 F.3d 404, 416 (5th Cir. 2007). Here, Appellants point to Sanchez's autopsy report detailing cuff marks and cuts on his fingers as injuries demonstrating excessiveness. These claimed injuries are exactly the type of *de minimis* force that this court has repeatedly held fails to satisfy the injury requirement of a § 1983 claim. *See Freeman* 483 F.3d at 417 (finding no excessive force where “the most substantial injury claimed by [plaintiff] is that she suffered bruising on her wrists and arms because the handcuffs were applied too tightly”); *Glenn*, 242 F.3d at 314 (“[H]andcuffing too tightly, without more, does not amount to excessive force[.]”).

Deputies Ayala and Flores had good reason to believe Sanchez was about to stab them with his 8-inch knife. That establishes the sort of threat of serious harm that would make their use of deadly force objectively

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reasonable. Accordingly, their actions did not constitute excessive force under the Fourth Amendment.

3

That leaves only the § 1983 claims against Hidalgo County.⁵ “We have stated time and again that without an underlying constitutional violation, an essential element of municipal liability [under § 1983] is missing.” *Doe ex rel. Magee v. Covington Cnty. Sch. Dist. ex rel. Keys*, 675 F.3d 849, 866–67 (5th Cir. 2012) (citation modified); *Elizondo*, 671 F.3d at 510-11 (“[I]n the absence of a constitutional violation, there can be no municipal liability for the City [under § 1983.]”). As discussed *supra*, there was no underlying constitutional violation from the fatal altercation at issue; ergo, there can be no *Monell* liability for the county. We affirm dismissal of the § 1983 claims against Hidalgo County.

B

Finally, Appellants argue that the district court wrongly denied their Rule 59(e) motion based on considering newly discovered evidence.⁶ As stated *supra*, our review here is *de novo*.

A motion to alter or amend a judgment under FED. R. CIV. P. 59(e) exists for “the narrow purpose of correcting manifest errors of law or fact or presenting newly discovered evidence[.]” *Rollins v. Home Depot USA, Inc.*, 8 F.4th 393, 396 (5th Cir. 2021) (quoting *Faciane v. Sun Life Assurance Co. of*

⁵ These claims come in two forms. The first are those against deputies Ayala and Flores in their official capacities, which are no different from a suit against the government entity itself. *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 (1989). The second is directly against the county. *See Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978).

⁶ Appellants do not raise their other grounds from their motion in the district court in this appeal. Their appeal focuses on the district court’s failure to accept the new evidence.

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Canada, 931 F.3d 412, 423 (5th Cir. 2019)). “Reconsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly.” *Templet*, 367 F.3d at 479 (citation omitted). Among the factors a court may consider are: “1) the reasons for the moving party’s default; 2) the importance of the omitted evidence to the moving party’s case; 3) whether the evidence was available to the non-movant before it responded to the summary judgment motion; and 4) the likelihood that the non-moving party will suffer unfair prejudice if the case is reopened.” *Id.* at 478 (citing *Lavespere v. Niagara Mach. & Tool Works, Inc.*, 910 F.2d 167, 174 (5th Cir.1990), *abrogated on other grounds by Little v. Liquid Air Corp.*, 37 F.3d 1069 (5th Cir. 1994)).

These factors weigh decisively in favor of Defendant-Appellees. To begin with, none of the evidence Appellants highlight rises to the level of creating new genuine factual disputes. They rely heavily on a “High Risk Situation” policy published by Hidalgo County and the deposition of a witness—David Muniz, a county training coordinator—interpreting the policy as new evidence that shows the deputies lacked justification for using deadly force. They point to sections detailing official policy for using deadly force when handling barricaded individuals. Appellants state that there is evidence that the deputies failed to follow their own policies and that Muniz admitted as much. They believe this all shows the deputies’ actions were unlawful. Appellees contest that characterization of the evidence and note that Muniz’s deposition elsewhere states that he did not believe the High Risk Situation policy applied because the deputies were not confronting circumstances beyond the resources of a standard patrol unit.

None of this changes our conclusion that the deputies had consent to enter the home and probable cause to arrest Sanchez. It is, however, germane to the excessive force claim. But even if the new evidence creates a factual dispute as to whether county policy was followed, that does not change the

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other facts decisively supporting the objective reasonableness of the deputies' use of lethal force. Although the possibility of noncompliance with county policy is concerning, Sanchez undisputably posed a serious physical threat to Ayala and Flores.

Appellants' briefing also points to new evidence from two experts. One is Roger Chappell, who is a police practices expert that submitted his opinions on the deputies' conduct on behalf of plaintiffs in the case. His original opinion did not include analysis of the High Risk Situation policy, but he opined that he did not believe the deputies' actions were justified and that he thought Mrs. Sanchez never granted permission to enter the home. Rather than provide new evidence, Chappell merely reviews evidence already in the summary judgment record and gives his own conclusions on the reasonableness of Ayala's and Flores's actions. This does not create a new material factual dispute and does not warrant altering the district court's final judgment.

The second new expert is Angelos Leiloglou, who is Defendant-Appellees' own photogrammetry expert. Leiloglou states that the knife Sanchez held when he approached the deputies was pointed down at the floor, not up at the deputies. Appellants claim this shows that "[c]learly, Guillermo Sanchez was not a threat." That is preposterous. We already considered the genuine dispute as to the direction of the knife in our totality of the circumstances analysis of the use of lethal force. Even with that, we concluded *supra* that the lethal force was not objectively unreasonable. Leiloglou's statements do not add new facts that would change our analysis.

We also cannot ignore the other factors weighing against granting the motion. All the new evidence Appellants rely on was available to them weeks before the lower court's final summary judgment order issued on June 30, 2025. Appellants should have proactively moved to supplement the record as

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soon as practicable if they truly believed this evidence was necessary for ruling on the summary judgment motion. They never adequately explain why they failed to do so. We agree with the district court's finding that this favored denying the motion because "[a]n unexcused failure to present evidence available at the time of summary judgment provides a valid basis for denying a subsequent motion for reconsideration." *ICEE Distribs., Inc. v. J&J Snack Foods Corp.*, 445 F.3d 841, 847–48 (5th Cir. 2006) (quoting *Templet*, 367 F.3d at 479). We will not prejudice Appellees by reopening a case merely to consider tardy and non-dispositive evidence. The district court's denial of the Rule 59(e) motion is affirmed.

IV

For the foregoing reasons, we AFFIRM the judgment of the district court.