

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2026

Lyle W. Cayce
Clerk

No. 25-40668
Summary Calendar

JOHN H. CARO,

Plaintiff—Appellant,

versus

CITY OF BROWNSVILLE; LUIS NINO; MARIO GOMEZ;
ALEJANDRO BAEZ; LARISSA ALVARADO,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:24-CV-80

Before STEWART, RICHMAN and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

John Caro appeals the dismissal of his claims against the City of Brownsville and its police officers Luis Nino, Mario Gomez, Alejandro Baez, and Larissa Alvarado. We AFFIRM.

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

No. 25-40668

Caro alleged Fourth Amendment, Fifth Amendment, and Fourteenth Amendment violations, as well as a 42 U.S.C. § 1983 claim and an Americans with Disabilities Act claim, based on excessive use of force during an arrest. The district court granted defendants' motion to dismiss. It dismissed Caro's claims against the individual officers in their official capacities because it held that those claims were duplicative of his claims against the city.

The district court dismissed his claims against the city because he "identifie[d] no specific City policy that allegedly caused the violation of his constitutional rights." The district court also held that Caro's allegations did "not assert a viable claim under the ADA."

"Grants of a motion to dismiss are reviewed de novo."¹ "We accept all well-pleaded facts as true and view those facts in the light most favorable to the plaintiff."² "To survive a motion to dismiss, a plaintiff must plead 'enough facts to state a claim to relief that is plausible on its face.'"³

On appeal, Caro does not argue that he did not sue the officers in their official capacity or that the district court erred in dismissing his claims against the officers as duplicative. He does not identify a city policy or custom that he alleged in his complaint, and he does not mention his ADA claim. To the extent Caro discusses the failure to document the incident, this was not raised as an allegation in his complaint. "Even pro se litigants must brief

¹ *First v. Rolling Plains Implement Co., Inc.*, 108 F.4th 262, 271 (5th Cir. 2024).

² *Id.*

³ *Ferrer & Poirot, GP v. Cincinnati Ins. Co.*, 36 F.4th 656, 658 (5th Cir. 2022) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

No. 25-40668

arguments to preserve them.”⁴ Caro has not explained how he stated a plausible claim for relief.

* * *

We AFFIRM.

⁴ *Frazier v. Wingo*, 717 F.3d 447, 448 (5th Cir. 2013).