

United States Court of Appeals
for the Fifth Circuit

No. 25-50786

United States Court of Appeals
Fifth Circuit

FILED

August 6, 2026

Lyle W. Cayce
Clerk

JOHN SURFACE; ADAN CHAVEZ,

Plaintiffs—Appellants,

versus

PETE PACILLAS, *individually and as Chief of Police of the El Paso Police
Department*; CITY OF EL PASO,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:24-CV-226

Before STEWART, GRAVES, and WILSON, *Circuit Judges*.

PER CURIAM:*

Two female officers in the El Paso Police Department—Rose Ibarbo and Ashley Pagitt—accused two supervisory officers of sexual harassment. Ibarbo and Pagitt alleged that, for years, Lieutenant John Surface had conditioned favorable treatment on submitting to his sexual advances. And Ibarbo alleged that Sergeant Adan Chavez sent her text messages soliciting

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

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sexual favors on Surface's behalf. Those allegations sparked an investigation that led to both officers' arrests and terminations.

This is not a lawsuit by Ibarbo or Pagitt. Instead, Surface and Chavez bring a discrimination and retaliation lawsuit under Title VII, and various constitutional provisions. They allege that their terminations were discriminatory, and in retaliation for what they claim is protected conduct. After discovery, the district court granted summary judgment.

We have reviewed the district-court briefing, the complaint, the record, and the appellate briefing. After hearing oral argument, we agree with the district court that no rational jury could find for plaintiffs on any of their claims. Because no genuine dispute of material fact remains, we AFFIRM summary judgment.