

United States Court of Appeals
for the Fifth Circuit

No. 25-50862

United States Court of Appeals
Fifth Circuit

FILED

September 2, 2026

Lyle W. Cayce
Clerk

RONALD SMITH,

Plaintiff—Appellant,

versus

ROBERT LOCKER; GUADALUPE COUNTY; HUNTER SAENZ;
JIMMY GONZALEZ,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:23-CV-881

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

PER CURIAM:*

This appeal challenges the district court's dismissal of Ronald Smith's *Monell*¹ and supervisory-liability claims, its summary judgment on his malicious-prosecution and false-arrest claims, and its denial of his motion to strike. None has merit. The *Monell* claims were inadequately pleaded, several challenges are forfeited due to inadequate appellate briefing, and the

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

¹ *Monell v. City of New York*, 436 U.S. 658 (1978).

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qualified-immunity argument fails as a matter of law. We also address the inappropriate tone and poor quality of Smith’s counseled appellate briefing. Accordingly, we AFFIRM the district court’s judgment.

I.

Ronald Smith was stopped by Guadalupe County Sheriff’s deputies while jogging along Highway 46 near Seguin, Texas, shot with a pepper-ball round, and arrested. He was charged with evading arrest, but that charge was later dismissed. Smith then sued Guadalupe County and three of its deputies—Robert Locker, Hunter Saenz, and Jimmy Gonzalez—seeking \$25 million in compensatory damages. Against the County, he asserted an Americans with Disabilities Act and Rehabilitation Act claim and various *Monell* claims. He also pleaded individual-capacity claims under the Fourth Amendment against Saenz and Gonzalez for excessive force, against Saenz for unreasonable search, false arrest, and malicious prosecution, and against Locker for supervisory liability, false arrest, and malicious prosecution.

The district court, adopting the magistrate judge’s report and recommendation, dismissed the ADA, Rehabilitation Act, and *Monell* claims against the County and the supervisory-liability claim against Locker, while allowing the excessive-force claims against Saenz and Gonzalez² and the false-arrest and malicious-prosecution claims against Saenz and Locker to proceed—all pursuant to Federal Rule of Civil Procedure 12(b)(6). It later granted summary judgment on the malicious-prosecution and false-arrest

² The magistrate judge’s report and recommendation, adopted by the district court, construed Smith’s separate unlawful search claim as “collective facts underlying [Smith’s] . . . overarching Fourth Amendment excessive force claim.” Smith does not challenge that ruling on appeal; the issue is therefore forfeited, and we do not otherwise address his unlawful-search claim. *Rollins v. Home Depot USA, Inc.*, 8 F.4th 393, 397 (5th Cir. 2021).

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claims, while permitting the excessive-force claims against Saenz and Gonzalez to proceed to trial. Saenz and Gonzalez took an interlocutory appeal from the denial of qualified immunity on the excessive-force claims, and a panel of our court reversed in their favor. *Smith v. Saenz*, No. 24-50975, 2025 WL 2367722, at *5 (5th Cir. Aug. 14, 2025), *cert. denied*, 146 S. Ct. 1787 (2026).

II.

Smith now appeals the earlier adverse Rule 12(b)(6) and summary judgment rulings,³ which we review de novo, *Spiller v. Harris County*, 113 F.4th 573, 575–76 (5th Cir. 2024), and he also appeals an earlier denial of his motion to strike defendants’ answer, which we review for abuse of discretion, *Cambridge Toxicology Grp., Inc. v. Exnicios*, 495 F.3d 169, 178 (5th Cir. 2007).

First, we affirm the district court’s dismissal of his *Monell* claims for (1) failure to train; (2) failure to supervise; (3) failure to discipline; (4) failure to screen in hiring; (5) inadequate policy of excessive force; and (6) inadequate probable cause policy. For his failure-to-train, failure-to-supervise, and failure-to-discipline claims, Smith needed to plead facts showing deliberate indifference, which ordinarily requires a pattern of similar violations. *Connick v. Thompson*, 563 U.S. 51, 62–63 (2011) (failure to train); *Peterson v. City of Fort Worth*, 588 F.3d 838, 850–51 (5th Cir. 2009) (failure to supervise); *Verastique v. City of Dallas*, 106 F.4th 427, 432 (5th Cir. 2024) (failure to discipline). He alleges only his own encounter and offers no facts suggesting a pattern, nor does he attempt to invoke the narrow single-incident exception. For his failure-to-screen claim, Smith needed to plead facts showing that the deputies’ own backgrounds made this particular

³ He does not brief the district court’s dismissal of his ADA/Rehabilitation Act claim on appeal. It is forfeited. *Rollins*, 8 F.4th at 397.

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constitutional violation a “plainly obvious consequence” of hiring them. *Bd. of Cnty. Comm’rs v. Brown*, 520 U.S. 397, 411 (1997). Smith pleads no such facts. And for his claims that the County’s excessive-force and probable-cause policies were themselves unconstitutional, Smith’s allegations do no more than restate the governing constitutional standards—that deputies may not use force against non-threatening, non-resisting individuals, and that a stop requires an articulable basis—without identifying any policy document, directive, or instance of the policy’s application beyond his own arrest.

Each of these deficiencies reflects the same basic flaw. All Smith’s operative complaint alleges is “labels and conclusions” and a “formulaic recitation of the elements” of a *Monell* claim, not the factual content required by the Federal Rules of Civil Procedure. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The district court therefore correctly dismissed the *Monell* claims.

Second, Smith’s challenge to the dismissal of his supervisory-liability claim against Locker for Saenz and Gonzalez’s individual acts is forfeited due to inadequate briefing. The district court adopted the magistrate judge’s report and recommendation, which found that:

[T]o the extent Smith is attempting to hold Locker individually liable for the acts of Saenz and Gonzalez based on a failure to train or supervise, these claims fail as a matter of law. As already stated with respect to Smith’s theory of municipal liability against Guadalupe County, Smith fails to adequately plead a failure of supervision or training. To state a claim against Locker as the supervisor of the other deputies, Smith must plead (1) Locker either failed to supervise or train the subordinate officer; (2) a causal link exists between the failure to train or supervise and the violation of Smith’s rights; and (3) the failure to train or supervise amounts to deliberate indifference. *Davidson v. City of Stafford, Tex.*, 848 F.3d 384, 397 (5th Cir. 2017), as revised (Mar. 31, 2017). Again, Smith

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alleges (and the video confirms) that Locker arrived at the scene after the other two officers had already engaged in the alleged excessive force, so Smith is not alleging that Locker was present and able to exercise supervisory control of Sanez [sic] or Gonzales [sic] in that situation. Overall, Smith's allegations as to Locker's failure to supervise or train Saenz and Gonzalez are conclusory and need not be credited. Moreover, when liability is premised on a failure to supervise, such a failure usually gives rise to Section 1983 liability only in situations involving a history of widespread abuse (or the supervisor's direct involvement). *Bowen v. Watkins*, 669 F.2d 979, 988 (5th Cir. 1982). Smith's Amended Complaint does not contain any allegations regarding any incidents beyond the single use of force at issue in this case.

On appeal, Smith fails to address the lower court's analysis or explain how it erred. By failing to raise a challenge to the analysis on appeal, it "is the same as if he had not appealed that judgment." *Brinkmann v. Dall. Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987) (concluding that appellant forfeited an argument by failing to address the district court's analysis and explain how it erred).

Third, Smith has not shown clearly established law overcoming Saenz and Locker's assertion of qualified immunity from his malicious-prosecution claim. Smith's central argument is that *Thompson v. Clark*, 596 U.S. 36 (2022), "applies retroactively" to the at-issue 2021 conduct and therefore defeats immunity. That misunderstands qualified-immunity doctrine. "While this Court's case law 'do[es] not require a case directly on point' for a right to be clearly established, 'existing precedent must have placed the statutory or constitutional question beyond debate.'" *White v. Pauly*, 580 U.S. 73, 79 (2017) (quoting *Mullenix v. Luna*, 577 U.S. 7, 12 (2015)). Because *Thompson* was decided in 2022, it does not clearly establish that Saenz and

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Locker's 2021 conduct was unlawful. Summary judgment on qualified-immunity grounds was proper.

Fourth, Smith's challenge to the summary judgment dismissal of his false-arrest claim against Saenz and Locker also is forfeited due to inadequate briefing. The magistrate judge's report and recommendation, adopted by the district court, entered summary judgment on this claim after carefully examining why "the independent-intermediary doctrine insulates Defendants from liability for false arrest." Here too, Smith does not address the lower court's analysis or explain how it erred. And by failing to do so, it "is the same as if he had not appealed that judgment." *Brinkmann*, 813 F.2d at 748.

Fifth, Smith's challenge to the denial of his Federal Rule of Civil Procedure 12(f) motion to strike also is forfeited due to inadequate briefing. Smith sought to strike the defendants' answer to his complaint because it contained a "general denial." According to Smith, "[t]o all Courts who aren't police lovers, that is a FRCP 8(b) violation." Yet even under the standard Smith himself invokes—that "'even when technically appropriate and well-founded,' motions to strike are not [to] be granted 'in the absence of a showing of prejudice to the moving party,'" *Abene v. Jaybar, LLC*, 802 F. Supp. 2d 716, 723 (E.D. La. 2011) (quoting 5C CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1381 (3d ed. 2004))—Smith does not address prejudice on appeal. *Rollins*, 8 F.4th at 397. We find no abuse of discretion.

* * *

One final point bears mention. Smith's appellate briefing—signed by attorney Andres Cano—is not only deficient in the respects discussed above,

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but also repeatedly cites authorities either incorrectly or not at all.⁴ The briefing further accuses members of this court of having “lied about the ‘law being unclear’ in June 2021” and “warp[ing] reality to serve Police.” Zealous advocacy does not license counsel to make baseless accusations against the court or to employ such derogatory rhetoric. Future non-legal filings of this nature may warrant sanctions.

III.

For the foregoing reasons, the district court’s judgment is **AFFIRMED**.

⁴ *E.g.*, “Hogan v. Franco, 896 F.3d 1313 (N.D.N.Y. 1995)” ; “Alvarez v. City of Brownsville, 904 F.2d 382 (5th Cir. 2018) (en banc)” ; “Thompson v. Connick, No. 20-659 (S. Ct. 2022)” ; “Murphy v. Schmitt, No. 23-1228 (2024)” ; “Duffie v. City of Lincoln, No. 15-2431 (8th Cir. 2016)” ; “Greene v. Mullis, No. 19-6476 (4th Cir. 2020)” ; “Lancaster v. Board of Police Commissioners, No. 15-3769 (8th Cir. 2017)” ; “Lewis v. Pugh, No. 07-40662 (5th Cir. 2008)” ; “Lockett v. County of Los Angeles, No. 19-55898 (9th Cir. 2020)” ; “National Coalition for Men v. Selective Service System, No. 19-20272 (5th Cir. 8/13/2020)” ; “Nowell v. City of Cincinnati, No. 1:03cv859 (S.D. Ohio 9/12/2006)” ; “Ortega v. Arpaio, No. 13-16285 (9th Cir. 2015)” ; “Pappas v. New Haven Police Dept., No. 3:98-CV-981-HBF (D. Conn. 2001)” ; “S.L. v. St. Louis Bd. of Police Comm., No. 12-3193 (8th Cir. 2013)” ; “Valadez v. City of San Antonio, No. SA-21-cv-0002-JKP-RBF (W.D. Tex. 5/20/2022)” ; “Wheeler v. Jersey City Police Dept., No. 16-1869 (3rd Cir. 2017)” ; “Ashcroft v. Iqbal, 556 U.S. 662 (2009)” ; “City of Canto, Ohio v. Harris, 489 U.S. 378 (1989)” .