

United States Court of Appeals for the Fifth Circuit

No. 26-50301
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 9, 2026

Thomas B. Plunkett, III
Clerk

TYLER M. COX,

Plaintiff—Appellant,

versus

WILLIAM R. MITCHELL; UVALDE COUNTY,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:25-CV-23

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

PER CURIAM:*

Plaintiff-Appellant Tyler M. Cox, proceeding pro se, filed this lawsuit pursuant to 42 U.S.C. § 1983 against Uvalde County Judge William R. Mitchell, in his official capacity, and Uvalde County (collectively, “Appellees”). In his suit, Cox alleged violations of his Fourth, Fifth, and Fourteenth Amendment rights arising from an altercation that took place at

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

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the Uvalde County Courthouse in March 2025. Appellees moved for dismissal of Cox's suit for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). The district court granted Appellees' motion and dismissed the case with prejudice. Because we agree that Cox has failed to state a claim on which relief can be granted, we AFFIRM.

I. FACTUAL & PROCEDURAL BACKGROUND

According to Cox's amended complaint, on March 27, 2025, he was working as a delivery driver for the United Parcel Service ("UPS") when he arrived at the Uvalde County Courthouse with a dolly loaded with packages. The courthouse elevator was out of service, however, so the courthouse staff told Cox to place the packages in the hallway on the first floor. Cox alleges that, at this point, Uvalde County Judge William R. Mitchell exited his chambers and began shouting at him for placing the packages in the hallway instead of delivering them to their designated locations. According to Cox, Judge Mitchell then seized Cox's delivery dolly, scattering the packages. Cox states that he offered to move the packages, but Judge Mitchell, apparently still unsatisfied, ordered a deputy to arrest and handcuff Cox.

Cox alleges in his amended complaint that the handcuffs were placed too tightly on him, and he was injured as a result. He further asserts that he remained handcuffed for approximately five minutes while Judge Mitchell repeatedly asked for his name, "violating the Fifth Amendment," but Cox refused to identify himself. Judge Mitchell then ordered the removal of Cox's handcuffs and took possession of his phone for approximately nine minutes.¹

¹ According to Appellees, Judge Mitchell obtained Cox's consent prior to taking possession of his phone and used it to call Cox's supervisor to report the incident. Cox contends that he did not consent to Judge Mitchell taking possession of his phone.

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Thereafter, Judge Mitchell returned Cox’s phone and released him.² Cox alleges that, after the incident, Judge Mitchell refused to release surveillance footage of the altercation and falsely claimed to the *Uvalde Leader-News* that Cox had called him an “asshole.”

In April 2025, Cox filed this suit against Uvalde County and Judge Mitchell in his official capacity alleging violations of his Fourth, Fifth, and Fourteenth Amendment rights. He also advanced a claim of municipal liability under *Monell*,³ and state law claims under the Texas Constitution, the Texas Penal Code, and Texas common-law defamation. He sought declaratory and injunctive relief and \$15 million dollars in damages.

Appellees filed a Rule 12(b)(6) motion to dismiss and in March 2026, the district court issued a Memorandum Opinion and Order granting their

² Cox’s recollection of the events indicates that the entire altercation lasted approximately fourteen minutes. Appellees state that the altercation lasted no more than ten minutes. For purposes of our analysis, we accept Cox’s version of the facts as to the length of his detainment. *See Petrobras Am., Inc. v. Samsung Heavy Indus. Co., Ltd.*, 9 F.4th 247, 253 (5th Cir. 2021) (“We accept all well-pleaded facts as true, viewing them in the light most favorable to the plaintiff.”).

³ *Monell v. Dept. of Soc. Servs.*, 436 U.S. 658 (1978).

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motion and dismissing Cox's suit with prejudice.⁽⁴⁾⁽⁵⁾ In its memorandum opinion, the district court explained that while Cox may have pleaded facts that sufficiently alleged a violation of his Fourth Amendment rights, he had nonetheless failed to plead a plausible claim for municipal liability which he was required to do to prevail against Appellees since he had brought suit against Uvalde County, a governmental entity, and Judge Mitchell in his official capacity. The district court further explained that Cox had failed to sufficiently allege his state-law claims because (1) Appellees had not violated the Texas Constitution, (2) the Texas Penal Code did not provide for private rights of action, and (3) both governmental units and individuals acting in an official capacity are immune from intentional torts under Texas law.⁶ Cox filed this appeal.

⁴ In its order dismissing Cox's suit, the district court also denied Cox's Motions for Change of Venue, Motions for Recusal, "Opposition to Defendants' Attorneys' Appearance and Demand for Proof of Authority to Appear," Motion to Expedite, and "Notice of Default and Motion for Removal of Counsel for Failure to Produce Full Credentials of Authority." Cox does not appeal the district court's denial of these motions, so we do not address them herein. *See Boone v. Rankin Cnty. Pub. Sch. Dist.*, 140 F.4th 697, 711 (5th Cir. 2025) ("[F]ailure to raise an issue on appeal constitutes waiver of that argument.").

⁵ The district court further observed that throughout the underlying proceedings Cox had misused artificial intelligence and "continued to cite non-existent cases and misrepresent the propositions for which his citations stand." Consequently, the court ordered Cox to show cause as to why he had not violated Federal Rule of Civil Procedure 11(b). Cox filed a response to the district court's show cause order, and the district court entered a final judgment in May 2026 with no further reference to the issue.

⁶ Cox does not appeal the district court's dismissal of his state-law claims so we do not address them herein. *See Boone*, 140 F.4th at 711 ("[F]ailure to raise an issue on appeal constitutes waiver of that argument.").

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II. STANDARD OF REVIEW

We conduct a de novo review of a district court's order granting a 12(b)(6) motion to dismiss for failure to state a claim. *Petrobras Am., Inc. v. Samsung Heavy Indus. Co., Ltd.*, 9 F.4th 247, 253 (5th Cir. 2021). "We accept all well-pleaded facts as true, viewing them in the light most favorable to the plaintiff." *Id.* In order "to survive a Rule 12(b)(6) motion to dismiss, the plaintiff must plead 'enough facts to state a claim to relief that is plausible on its face.'" *In re Katrina Canal Breaches Litig.*, 495 F.3d 191, 205 (5th Cir. 2007) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "Factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true (even if doubtful in fact)." *Id.*

A district court's denial of leave to amend is reviewed for abuse of discretion. *Stripling v. Jordan Prod. Co., LLC*, 234 F.3d 863, 872 (5th Cir. 2000). Under Rule 15(a), a district court should freely give leave to amend "when justice so requires." *Id.*; (quoting FED. R. CIV. P. 15(a)). If a motion to amend is futile, however, it is within the district court's discretion to deny it. *Id.*

III. DISCUSSION

On appeal, Cox argues that the district court erred in dismissing his *Monell* claim. He further contends that the district court misapplied the legal standard for his "class-of-one," or selective enforcement, claim. Finally, he avers that the district court abused its discretion in dismissing his case with prejudice without granting him leave to amend. We address each of his arguments in turn.

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A. Monell Claim

Cox first argues that the district court erred in dismissing his *Monell* claim because Judge Mitchell was acting as a final policymaker for Uvalde County when the incident between Cox and Judge Mitchell took place at the courthouse. “To state a *Monell* claim, a plaintiff must plead facts that plausibly establish that (1) an official policy (2) promulgated by the municipal policymaker (3) was the moving force behind the violation of a constitutional right.” *Merritt v. City of Bossier*, 179 F.4th 393, 412 (5th Cir. 2026) (cleaned up). Under *Monell*, an official policy can be established in three ways: (1) “written policy statements, ordinances, or regulations; (2) a widespread practice that is so common and well-settled as to constitute a custom that fairly represents municipal policy; or (3) a single decision . . . when the official or entity possessing final policymaking authority for an action performed the specific act that forms the basis of the § 1983 claim.” *Id.* (cleaned up). To survive the pleading stage, the complaint must provide a “description of a policy or custom and its relationship to the underlying constitutional violation . . . cannot be conclusory; it must contain specific facts.” *Peña v. City of Rio Grande City*, 879 F.3d 613, 622 (5th Cir. 2018).

Here, the district court held that Cox failed to plead facts necessary to plausibly assert municipal liability. We agree. Our review of Cox’s amended complaint reveals that it merely states that Judge Mitchell “exercised policymaking authority, rendering him liable under *Monell*,” and that “Uvalde County is liable under *Monell* for policies and customs, including unchecked authority to [Judge] Mitchell and failure to train, that were the

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moving force behind these violations.”⁷ As the district court concluded, Cox has failed altogether to plead specific facts that describe or address the policies or customs of Uvalde County or any connection between those purported customs or policies to Judge Mitchell’s actions. Nor does Cox’s amended complaint explain how Judge Mitchell possessed “unchecked authority” over Uvalde’s policies or customs.

For these reasons, we affirm the district court’s dismissal of Cox’s *Monell* claim on grounds that he has not alleged the facts necessary to plausibly assert municipal liability. *See Merritt*, 179 F.4th at 412.

B. Selective Enforcement Claim

Cox next argues that the district court erred in dismissing his selective enforcement claim because it “misapplied the two-prong class-of-one standard of *Olech* and *Lindquist*.”⁸ We are unpersuaded.

To successfully plead a selective enforcement claim under the Equal Protection Clause of the Fourteenth Amendment, a “plaintiff must show that (1) he or she was intentionally treated differently from others similarly situated and (2) there was no rational basis for the difference in treatment.” *Lindquist v. City of Pasadena*, 669 F.3d 225, 233 (5th Cir. 2012). Further, “to successfully bring a selective . . . enforcement claim, a plaintiff must prove that the government official’s acts were motivated by improper

⁷ Although Cox also attempted to allege *Monell* liability on a failure-to-train theory before the district court, he abandons this argument on appeal, thus we do not address it herein. *See Boone*, 140 F.4th at 711 (“[F]ailure to raise an issue on appeal constitutes waiver of that argument.”).

⁸ *Lindquist v. City of Pasadena*, 669 F.3d 225 (5th Cir. 2012); *Vill. of Willowbrook v. Olech*, 528 U.S. 562 (2000). Although Cox also argues that his selective enforcement claim is not barred by *Engquist*, we need not address this argument because his claim fails on other grounds. *See Engquist v. Or. Dep’t of Agric.*, 553 U.S. 591 (2008).

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considerations, such as race, religion, or the desire to prevent the exercise of a constitutional right.” *Bryan v. City of Madison*, 213 F.3d 267, 277 (5th Cir. 2000).

Assuming arguendo that Cox could potentially meet the first two prongs of the selective enforcement analysis as the district court opined, to meet the third prong, he must still allege facts showing that Judge Mitchell’s actions were “motivated by improper considerations, such as race, religion, or the desire to prevent the exercise of a constitutional right.” *Bryan*, 213 F.3d at 277. Our review of Cox’s amended complaint reveals that he alleged no such facts and instead, only argued that he was targeted “among delivery personnel, without rational basis.” Moreover, in his brief on appeal, he makes no argument as to improper motive and instead simply contends that the facts alleged in his complaint support an inference of “ill will.” This is not enough to sufficiently plead a selective enforcement claim. *Id.*

Accordingly, we affirm the district court’s dismissal of Cox’s selective enforcement claim on grounds that he failed to adequately allege that his right to equal protection was violated. *See Beeler v. Rounsavall*, 328 F.3d 813, 817 (5th Cir. 2003) (dismissing Plaintiff’s selective enforcement claim because he never alleged an improper motive by Defendants for their actions).

C. Leave to Amend

Cox’s final argument is that the district court abused its discretion in dismissing his amended complaint with prejudice without first granting him leave to amend. As a preliminary matter, we note that the district court observed in its memorandum opinion that Cox did file an amended complaint, but it was improperly filed because he failed to first obtain leave from the district court. Nevertheless, the district court permitted Cox to proceed with that complaint, despite the fact that he failed to comply with the applicable rules by first seeking leave. Moreover, Cox never sought leave

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to further amend his complaint, either in response to Appellees' motion to dismiss his amended complaint or following the district court's dismissal of his claims with prejudice. In other words, Cox's argument to this court is that the district court erred in denying him leave to amend even though he never moved for leave to amend. Because this argument is nonsensical and unsupported by any applicable authority, we reject it and hold that Cox has failed to show an abuse of discretion on the part of the district court. *See Stripling*, 234 F.3d at 872.

IV. CONCLUSION

For the foregoing reasons, we AFFIRM the district court's grant of summary judgment in favor of Appellees William R. Mitchell and Uvalde County.