IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

CHRISTINA ZAMORA, INDIVIDUALLY AND AS NEXT FRIEND OF M.Z.; RUBEN ZAMORA, INDIVIDUALLY AND AS NEXT FRIEND OF M.Z.; AND JAMIE TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF K.T., Plaintiffs,	§	
vs.	§	**CASE NO. 2:23-cv-00017**
DANIEL DEFENSE, LLC; *et. al.* Defendants.	§	

DEFENDANT UVALDE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT'S 12(b)(1) MOTION TO DISMISS AND 12(b)(6) MOTION TO DISMISS PLAINTIFFS' ORIGINAL COMPLAINT (Dkt. No. 1)

TO THE HONORABLE CHIEF JUDGE OF SAID COURT:

NOW COMES Defendant Uvalde Consolidated Independent School District ("UCISD") and files this 12(b)(1) Motion to Dismiss in Part Plaintiffs' Original Complaint for Lack of Subject-Matter Jurisdiction and 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted, and shows the Court the following:

I. PROCEDURAL BACKGROUND

1. Plaintiffs Christina Zamora, Individually and as Next Friend of M.Z., Ruben Zamora, Individually and as Next Friend of M.Z. and Jamie Torres, Individually and as Next Friend of K.T. filed suit following the tragedy at Robb Elementary School, during which M.Z. and K.T. were wounded by Salvador Ramos. Dkt. No. 1. Plaintiffs assert that M.Z.'s and K.T.'s constitutional rights were violated, putting forth several theories of liability against UCISD pursuant to 42 U.S.C. § 1983. *Id.*

II. DISMISSAL STANDARDS

2. Motions filed under Rule 12(b)(1) allow a party to challenge the subject matter jurisdiction of the court to hear the case. Fed. R. Civ. P. 12(b)(1). When a Rule 12(b)(1) motion to dismiss for lack of subject-matter jurisdiction is filed, the party seeking to litigate in federal court bears the burden of establishing jurisdiction. *Spencer v. Kemna*, 523 U.S. 1, 7, 118 S.Ct. 978, 983 (1998); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561, 112 S.Ct. 2130, 2136 (1992); *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001). Federal courts are courts of limited jurisdiction and must, at all times, have "statutory or constitutional power to adjudicate the case." *Clean COALition v. TXU Power*, 536 F.3d 469, 470 (5th Cir. 2008).

3. In analyzing a motion to dismiss for failure to state a claim under Rule 12(b)(6), the court accepts all well-pleaded facts as true, viewing them in the light most favorable to the plaintiff. *See In re Katrina Canal Breaches Litig.*, 495 F.3d 191, 205 (5th Cir. 2007). However, the plaintiff must do more than recite the formulaic elements of a cause of action. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556-57 (2007). The plaintiff must plead specific facts, not mere conclusory allegations. *Tuchman v. DSC Comm'ns Corp.,* 14 F.3d 1061, 1067 (5th Cir. 1994). The court is not bound to accept "as true a legal conclusion couched as a factual allegation." *Twombly*, 550 U.S. at 678. Dismissal is appropriate if the complaint fails to plead "enough facts to state a clam to relief that is plausible on its face." *Twombly*, 550 U.S. at 570.

IV. ARGUMENT AND AUTHORITY

A. Plaintiffs lack standing to assert individual claims on their own behalf under the U.S. Constitution.

4. Each of the Plaintiffs appears both "individually" and as next friend of his or her minor child. Dkt. No. 1, pp. 8-9. However, Plaintiffs lack standing to pursue any individual claims under the facts or legal theories asserted in their pleading, as their Complaint contains only alleged violations of the constitutional rights of M.Z. and K.T. *See* Dkt. No. 1. To establish standing under

Article III of the United States Constitution with respect to their individual claims, each Plaintiff must demonstrate that he or she has "suffered 'injury in fact,' that the injury is 'fairly traceable' to the actions of the defendant, and that the injury will likely be redressed by a favorable decision." *Bennett v. Spear*, 520 U.S. 154, 162 (1997) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)). "The injury must affect the plaintiff in a personal and individual way." *Lujan*, 504 U.S. at 560, n. 1.

5. Here, Plaintiffs do not assert that the actions of the UCISD deprived any of them personally of any protected rights; the allegations in the lawsuit are that M.Z. and K.T.'s constitutional rights were violated by UCISD's response to Salvador Ramos's horrific and criminal actions, that M.Z. and K.T.'s constitutional rights were violated by UCISD's allegedly unconstitutional policies and training related to a school shooting incident. Dkt. No. 1 at pp. 77-87.

6. Federal courts have consistently held that a parent cannot assert claims under Section 1983 on their own behalf based solely on constitutional injuries to their child. Under § 1983, Plaintiffs have standing in his or her individual capacity if they "clearly allege[s] an injury to [her] own personal constitutional rights." *Hooker v. Dallas Indep. Sch. Dist.*, 3:09-CV-1289-D, 2010 WL 4025877, at *5 (N.D. Tex. Oct. 13, 2010) (quoting *Trujillo v. Bd. of Cnty. Commis. of Santa Fe Cnty.*, 768 F.2d 1186, 1187 (10th Cir. 1985)). "It is well-established that parents lack standing to bring individual claims under § 1983 based solely upon deprivation of a child's constitutional rights." *Crozier v. Westside Cmty. Sch. Dist.*, No. 8:18CV438, 2018 WL 5298744, at *2 (D. Neb. Oct. 25, 2018) (citations omitted). Because Plaintiffs are not asserting any claims based on violations of their own constitutional rights, as opposed to M.Z. and K.T.'s, they do not have standing to bring claims in their individual capacity, and such claims should be dismissed as a matter of law.

B. Plaintiffs' § 1983 claims against any UCISD employee or official in his official capacity are redundant and should be dismissed as a matter of law.

7. Plaintiffs have asserted their § 1983 claims for alleged violation of M.Z. and K.T.'s constitutional rights against former UCISD employee Pete Arredondo[1] in his official and individual capacities. Dkt. No. 1, ¶ 29. Mr. Arredondo is represented separately; however, it is established that suing a government official in his official capacity is another way of pleading against the entity of which the official is an agent. *Kentucky v. Graham,* 473 U.S. 159, 165 (1985); *Monell v. Dep't. of Social Services of the City of New York,* 436 U.S. 658, 690 n. 55. (1978). An official capacity suit is to be treated as a suit against the governmental entity itself. *Kentucky,* 473 U.S. at 170-71; *U.S. ex rel. Adrian v. Regents of Univ. Of Cal.,* 363 F.3d 398, 402 (5th Cir. 2004). Official capacity claims coterminous with § 1983 claims against a governmental entity are not only redundant, but they also have no independent legal significance. *See Bluitt v. Houston Indep. Sch. Dist.,* 236 F.Supp.2d 703, 727 (S.D.Tex. 2002). Accordingly, the Court should dismiss the §1983 claims against Arredondo in his official capacity because such claims are redundant and of no independent legal significance, as they are the same as the § 1983 claims for alleged violation of M.Z. and K.T.'s constitutional rights that Plaintiffs are pursuing against UCISD. *See* Dkt. No. 1; *see also Jenkins v. Bd. of Educ. of Houston Indep. Sch. Dist.,* 937 F. Supp. 608, 613 (S.D. Tex. 1996).

C. Plaintiffs cannot show the requisite state action necessary to state a claim under the U.S. Constitution.

8. To state a § 1983 claim, a plaintiff must show that a person acting under color of state law deprived her of a right guaranteed by the Constitution or federal law. *See American Mfrs. Mut. Ins. Co. v. Sullivan,* 526 U.S. 40, 49-50 (1999); *Whitley v. Hanna,* 726 F.3d 631, 638 (5th Cir. 2013)

[1] Plaintiffs' Original Complaint asserts that the other UCISD employee/officials named as individual defendants—Jesus Suarez and Defendant Doe 1—are sued in their individual capacities only. Dkt. No. 1 at ¶¶ 31, 41.

According to the well-pleaded facts in Plaintiffs' Original Complaint, former student Salvador Ramos, a private actor, injured M.Z. and K.T. along with many of their classmates and teachers. While indeed horrific, this situation cannot support a constitutional claim because it lacks the requisite state action. "Although the right to life is obviously an interest of constitutional dimension, its deprivation alone cannot give rise to a claim under section 1983." *Dollar v. Haralson County,* 704 F.2d 1540, 1543 (11th Cir. 1983). "Courts have declined to recognize as a general rule a person's affirmative right to state protection, even when such protection may be necessary to secure life, liberty, or property interests." *Walton v. Alexander,* 20 F.3d 1350, 1354 (5th Cir. 1994).

9. As a general rule, the state's failure to protect an individual from private violence does not violate the Constitution. *DeShaney v. Winnebago County Dep't. of Social Servs.,* 489 U.S. 189, 195, 109 S.Ct. 998, 103 L.Ed.2d 249 (1989). There is only one exception to this rule that is recognized by the Fifth Circuit: the "special relationship" test. *Robinson v. Webster Cty., Mississippi,* 825 F. App'x 192, 195 (5th Cir. 2020).

10. The Fifth Circuit has consistently held that substantive due process is implicated only in "certain limited instances" where "the state's affirmative restraint on an individual's liberty, 'through incarceration, institutionalization, or other similar restraint of personal liberty,' not its failure to act, is the compulsion required to create a 'special relationship' and invoke the protection of the Due Process Clause." *Walton v. Alexander,* 44 F.3d 1297, 1302 (5th Cir. 1995) (citing *DeShaney,* 109 S. Ct. at 1000). The Fifth Circuit has specifically held that there is no special relationship between a school district and its students, even where compulsory attendance is required. *Doe ex rel. Magee v. Covington County Sch. Dist. ex rel. Keys,* 675 F.3d 849 (5th Cir. 2012)(en banc).

11. Similar cases regarding the response to mass shooter incidents have consistently found that constitutional claims against first responders and their employers are not cognizable, even where they asserted the "custodial" relationship exception to *DeShaney*. *See, e.g. Vielma v. Gruler,* 347 F. Supp. 3d 1122 (M.D. Fla. 2018), aff'd, 808 F. App'x 872 (11th Cir. 2020); *Vielma*, 808 F. App'x 872 (11th Cir. 2020); *L.S. ex rel. Hernandez v. Peterson,* 982 F.3d 1323, 1327 (11th Cir. 2020). Here, Plaintiffs argue that because the first responders formed a perimeter *outside* of the classrooms, when Ramos was already *inside* the classroom, they in effect took the children in the classroom into custody. The flawed logic of this argument is apparent because the fact remains that Ramos was in the classroom too, negating any determination that the children also present were incarcerated, rather than being held hostage by a murderer. Accepting this argument would also require agreeing with the absurd result of its logical conclusion—that if the children and teachers were incarcerated, if one of them had attempted to escape, the first responders would have taken steps to force them to return to the classroom. No actions taken by the first responders restrained any of the students' freedom to act, and thus the "special" or "custodial" relationship is unavailing.

12. Plaintiffs also appear to assert a "state-created danger" theory of liability under § 1983. However, the Fifth Circuit has both consistently and recently declined to recognize the "state-created danger" theory of liability. *See, e.g. Fisher v. Moore*, 62 F.4th 912, 913 (5th Cir. 2023)("This circuit has never adopted a state-created danger exception to the sweeping 'no duty to protect' rule."); *Joiner v. United States*, 955 F.3d 399, 407 (5th Cir. 2020); *Doe ex rel. Magee*, 675 F.3d at 864; *Whitley v. Hanna*, 726 F.3d 631, 640 n. 5 (5th Cir. 2013) ("This court has not adopted the state-created-danger theory….and [Plaintiff] wisely has disclaimed reliance on it.").

Thus, Plaintiffs cannot establish the requisite state action to support their claims asserted pursuant to § 1983, and they should be dismissed.

D. Plaintiffs cannot state a claim for unlawful seizure.

13. Plaintiffs cannot state a claim for unlawful seizure because none of the students or teachers was subjected to any type of physical force, much less excessive force, nor are there any well-pleaded facts that plausibly articulate that any of the teachers or students believed that they were not free to leave because of the first responders outside rather than the murderer within the classroom. *See* Dkt. No. 1. When considering whether a seizure occurred, a court must assess "in view of all of the circumstances surrounding the incident, [whether] a reasonable person would have believed that he was not free to leave." *Michigan v. Chesternut*, 486 U.S. 567, 573 (1988). "Violation of the Fourth Amendment [for an Unlawful Seizure claim] requires an intentional acquisition of physical control." *Brower v. Cnty. of Inyo*, 489 U.S. 593, 598 (1989). Here, there are no allegations that any of the students or teachers were arrested, subjected to any physical force, or ordered or told not to leave the classrooms or otherwise impeded from doing so. *See* Dkt. No. 1.

E. Plaintiffs cannot show school district liability under 42 U.S.C. § 1983.

14. A local governmental entity, such as a school district, can only be held liable under Section 1983 for acts for which it is actually responsible. *See Monell v. Department of Social Services of New York*, 436 U.S. 658, 691 (1978). To establish governmental liability under Section 1983, in addition to a cognizable constitutional injury, a plaintiff must also show: (1) a policymaker with final policymaking authority; (2) an official policy; and (3) a violation of constitutional rights whose "moving force" is the policy or custom. *Doe ex rel. Magee*, 675 F.3d at 866. Thus, "a governmental entity cannot be held liable solely because it employs a tortfeasor—or, in other

words, a governmental entity cannot be held liable under § 1983 on a *respondeat superior* theory." *Doe on Behalf of Doe v. Dallas Indep. Sch. Dist.*, 153 F.3d 211, 214 (5th Cir. 1998)(5th Cir. 1998) (citing *Monell*, 436 U.S. at 691).

15. Even assuming a constitutional violation occurred, Plaintiffs' Section 1983 claims against UCISD fail because they cannot establish that an "official policy or custom" of UCISD "was a cause in fact of the deprivation of rights inflicted." *Leffall v. Dallas Indep. Sch. Dist.*, 28 F.3d 521, 525 (5th Cir.1994). An "official policy or custom" of a school district is: (1) "a policy statement, ordinance, regulation or decision that is officially adopted and promulgated by the district, or by an official to whom the district has delegated policy-making authority;" or (2) "a persistent, widespread practice of district officials or employees, which, although not authorized by officially adopted and promulgated policy, is so common and well settled as to constitute a custom that fairly represents district policy." *Eugene v. Alief Indep. Sch. Dist.*, 65 F.3d 1299, 1304 (5th Cir.1995). Actual or constructive knowledge of such custom must be attributable to the governing body of the district or to an official to whom that body had delegated policy-making authority. *Id.*

16. Whether a particular official has "final policy-making authority" is a question of state law. *St. Louis v. Praprotnik*, 485 U.S. 112, 128 (1988). It is settled law that, in Texas, only the board of trustees has final policy-making authority in an independent school district. TEX. EDUC. CODE §11.151; *Jett v. Dallas Indep. School Dist.*, 7 F.3d 1241, 1245 (5th Cir. 1993). Superintendents of schools, school administrators, principals, teachers, and school staff, including chiefs of police, do not have final policy-making authority in a school district. *See Jett*, 7 F.3d at 1245; *Teague v. Texas City Indep. Sch. Dist.*, 386 F.Supp.2d 893, 896 (S.D. Tex. 2005), *aff'd* 185 Fed. Appx. 355 (5th Cir. 2006); *Ali v. La Marque ISD Educ. Found., Inc.*, No. CIV.A. G-05-276, 2005 WL 1668146, at *3 (S.D. Tex. July 14, 2005).

17. Here, Plaintiffs assert, in conclusory fashion, that because Arredondo was the Chief of Police for UCISD, by virtue of that position, he was a final policymaker for the school district. Dkt. No. 1 at pp. 12, 48, 81, 82, 84. However, as a matter of state law, Arredondo is not the final policymaker for UCISD, and therefore he is not responsible for the official policies and procedures of the school district. *See Jett,* 109 S.Ct. 2702, 2724. A school district's board of trustees is the final policymaker. *Id.*; TEX. EDUC. CODE §11.151. By statute, the board of trustees, not the chief of police, "shall determine the law enforcement duties of peace officers, school resource officers, and security personnel." Tex. Educ. Code Ann. § 37.081(d). Similarly, the "board of trustees of the district shall determine the scope of the on-duty and off-duty law enforcement activities of school district peace officers." *Id.* at (e). Finally, the "chief of police of the school district police department shall be accountable to the superintendent and shall report to the superintendent." *Id.* at (f). Plaintiffs have not alleged any facts showing that UCISD delegated policymaking authority to Arredondo such that he became the final policymaker for the district's law enforcement activities. *See* Dkt. No. 1. Their Section 1983 claims should be dismissed because they cannot establish the policymaker element of their claim against UCISD. *See Ali*, No. CIV.A. G-05-276, 2005 WL 1668146, at *3 (S.D. Tex. July 14, 2005).

18. UCISD may not be held liable for any "policy" developed by school officials other than its Board of Trustees. *Teague,* 386 F.Supp.2d at 896. Moreover, the only well-pleaded facts as to an official policy assert that UCISD had adopted an active shooter policy, in compliance with Texas state law, but that Arredondo allegedly disregarded the policy in responding to the shooting. Dkt. No. 1, pp. 47, 48, 56, 82, 84. To hold a local government unit liable under Section 1983 for the misconduct of its employees, a plaintiff must initially allege that an official policy or custom "was a cause in fact of the deprivation of rights inflicted." *Leffall v. Dallas Indep. Sch. Dist*., 28 F.3d

521, 525 (5th Cir.1994). Here, Plaintiffs' well-pleaded factual allegations make clear that they are relying on an *respondeat superior* theory of liability which is not cognizable under Section 1983. To state a claim for which a school district could be held liable § 1983, a plaintiff must point to more than the actions or inactions of an employee; they must identify a policymaker with final policymaking authority and a policy that is the "moving force" behind the alleged constitutional violation. *Meadowbriar Home for Children, Inc., v. Gunn*, 81 F.3d 521, 532-33 (5th Cir.1996).

19. Plaintiffs furthermore cannot show governmental liability based on a widespread custom or practice; isolated events are not sufficient to establish custom. *Ramie v. City of Hedwig Vill., Tex.*, 765 F.2d 490, 494 (5th Cir. 1985); *Gagne v. City of Galveston*, 671 F. Supp. 1130, 1135 (S.D. Tex. 1987) *aff'd*, 851 F.2d 359 (5th Cir. 1988). Plaintiffs provide no well-pleaded factual allegations of substantially similar incidents occurring at UCISD to establish the requisite widespread custom or practice necessary to sustain their claims; thus, they should be dismissed, as a matter of law. See Dkt. No. 1.

F. Plaintiffs have failed to state a claim under the § 1983 failure to train/supervise theory of liability.

20. Plaintiffs similarly cannot show municipal liability under a failure to train/supervise theory of liability. "In limited circumstances, a local government's decision not to train certain employees about their legal duty to avoid violating citizens' rights may rise to the level of an official government policy for purposes of § 1983." *Connick v. Thompson*, 563 U.S. 51, 61, 131 S. Ct. 1350, 1359 (2011). However, "[a] municipality's culpability for a deprivation of rights is at its most tenuous where a claim turns on a failure to train." *Id.* "A policy of inadequate training is far more nebulous, and a good deal further removed from the constitutional violation, than was the policy in *Monell*." *Id.* (citing *Oklahoma City v. Tuttle*, 471 U.S. 808, 822–823, 105 S.Ct. 2427 (1985) (plurality opinion)(internal citations and alterations omitted). An inadequate training

program, *after* it is shown to be an official policy or custom of which the policymaking body has knowledge, may only support a § 1983 claim where: (1) the entity's training policy was inadequate, (2) it was deliberately indifferent in adopting its training policy, and (3) the inadequate training policy *directly caused* the constitutional violation.[2] *Kitchen v. Dallas Cty.*, 759 F.3d 468, 484 (5th Cir. 2014); *Malone v. City of Fort Worth, Texas,* 297 F. Supp. 3d 645, 655 (N.D. Tex. 2018). "[D]eliberate indifference is a stringent standard of fault, requiring proof that a municipal actor disregarded a known or obvious consequence of his action." *Connick,* 536 U.S. at 61 (quoting *Canton v. Harris,* 489 U.S. 378, 388, 109 S.Ct. 1197 (1989)). The Supreme Court has made clear that "[a] less stringent standard of fault for a failure-to-train claim would result in *de facto respondeat superior* liability on municipalities." *Id.* at 61-62 (internal citations and alterations omitted).

21. Here, Plaintiffs put forth no allegations that Arredondo, Suarez, or the unidentified Doe 1 were not properly trained. *See* Dkt. No. 1. Instead, the Original Complaint asserts that these first responders did not follow the "active shooter trainings and policies." Dkt. No. 1, pp. 48, 80. Plaintiffs makes no claim, nor allege any facts demonstrating that UCISD was deliberately indifferent to deficiencies in its training program, nor can they, as only "when municipal policymakers are on *actual or constructive notice* that a particular omission in their training program causes municipal employees to violate citizens' constitutional rights, the municipal entity may be deemed deliberately indifferent if the policymakers choose to retain that program." *Id* (emphasis added). Thus, Plaintiffs' allegations fail to demonstrate any of the elements of their failure to train/supervise theory of liability, and it should be dismissed.

[2] "Like the standards applicable to a failure to train, to hold a local government liable for failure to supervise a plaintiff must show '(1) the municipality's supervision was inadequate, (2) the municipality's policymaker was deliberately indifferent in supervising the subordinates, and (3) the inadequate supervision directly caused the plaintiff's injury.'" *Malone,* 297 F. Supp. 3d at 662 (*Clyce v. Hunt Cty.*, 515 Fed.Appx. 319, 323 (5th Cir. 2013))(citations omitted).

22. Moreover, a pattern of similar constitutional violations by untrained employees is "ordinarily necessary" to demonstrate that a governmental entity knew of deficiencies in their training programs and nonetheless acted with deliberate indifference for purposes of failure to train. *Id* (quoting *Board of Comm'rs of Bryan Cty. v. Brown*, 520 U.S. 397, 409, 117 S.Ct. 1382 (1997)). "Without notice that a course of training is deficient in a particular respect, decisionmakers can hardly be said to have deliberately chosen a training program that will cause violations of constitutional rights." *Connick*, 563 U.S. at 62. Plaintiffs have not pleaded well-pleaded facts demonstrating a pattern of similar violations at the hands UCISD employees and thus cannot establish that UCISD was on actual or constructive notice of omissions in their training or supervision. *See* Dkt. No. 1. Whether analyzed under *Monell* or a failure to train/supervise theory, Plaintiffs' well-pleaded facts fail to show any basis for liability against UCISD.

G. Plaintiffs' request for punitive damages should be dismissed.

23. Plaintiffs' request for punitive damages (Dkt. No. 1, p. 84) for alleged constitutional violations by UCISD and any of its employees or officials in their official capacities should be dismissed. *Gil Ramirez Group, L.L.C. v. Houston Indep. Sch. Dist.*, 786 F.3d 400, 412 (5th Cir. 2015)("The Supreme Court has held that a municipality's liability for § 1983 damages does not thereby subject it to punitive damages, from which government entities were historically immune. *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 263, 101 S.Ct. 2748, 2758, 69 L.Ed.2d 616 (1981).").

V. CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, for the reasons shown above, Defendant UCISD respectfully moves the Court to grant its 12(b)(1) Motion to Dismiss for Lack of Subject-Matter Jurisdiction and 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief

Can Be Granted and furthermore grant it any and all relief to which it has shown itself justly entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT UVALDE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 13th day of June, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and caused to be served upon all counsel of record via the CM/ECF system, pursuant to the Federal Rules of Civil Procedure.

/s/ Katie E. Payne
Katie E. Payne

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

CHRISTINA ZAMORA, INDIVIDUALLY AND AS NEXT FRIEND OF M.Z.; RUBEN ZAMORA, INDIVIDUALLY AND AS NEXT FRIEND OF M.Z.; AND JAMIE TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF K.T., Plaintiffs,	§	
vs.	§	**CASE NO. 2:23-cv-00017**
DANIEL DEFENSE, LLC; *et. al.* Defendants.	§	

ORDER GRANTING DEFENDANT UVALDE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT'S 12(b)(1) MOTION TO DISMISS AND 12(b)(6) MOTION TO DISMISS PLAINTIFFS' ORIGINAL COMPLAINT (Dkt. No. 1)

Be it remembered that on this day came to be considered Defendant Uvalde Consolidated Independent School District's 12(b)(1) Motion to Dismiss in Part for Lack of Subject-Matter Jurisdiction and 12(b)(6) Motion to Dismiss Plaintiffs' Original Complaint. After considering said pleadings and other documents on file in this cause, and the arguments of the parties, the Court finds that said Motion has merit and should be GRANTED.

It is therefore ORDERED, ADJUDGED AND DECREED that Defendant UCISD's Motion to Dismiss is hereby GRANTED. Plaintiffs' claims are hereby DISMISSED WITH PREJUDICE, and this is a FINAL JUDGMENT.

IT IS SO ORDERED on this ____ day of _____, 2023.

_____
CHIEF UNITED STATES DISTRICT JUDGE