

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Trenton Kirksey v. National Multiple Sclerosis Society

Kirksey · No. 4:24-cv-00871 · Decided March 13, 2026

SUMMARY

The United States District Court for the Southern District of Texas adopted a magistrate judge’s Memorandum and Recommendation recommending summary judgment for the National Multiple Sclerosis Society in Trenton Kirksey’s racial discrimination and retaliation action. The court overruled Kirksey’s objections, granted the defendant’s motion for summary judgment, denied Kirksey’s motion for partial summary judgment, and ordered that the claims be dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	March 13, 2026
DOCKET	4:24-cv-00871
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Memorandum and Recommendation de novo in response to Plaintiff's objections, adopted the recommendation, granted Defendant's motion for summary judgment, and denied Plaintiff's motion for partial summary judgment.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge's recommendation to which a party specifically objects, and may accept uncontested portions if no clear error appears on the face of the record.
PRECEDENTIAL VALUE	unknown

TOPICS

- summary judgment
- civil procedure
- discovery dispute
- racial discrimination
- retaliation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's Memorandum and Recommendation should be adopted after de novo review of Plaintiff's objections.
2. Whether Plaintiff's failure to respond to requests for admission conclusively established the admitted facts under Federal Rule of Civil Procedure 36(b).
3. Whether Plaintiff's objections demonstrated error concerning exhaustion of administrative remedies or the elements of his discrimination and retaliation claims.
4. Whether Defendant was entitled to summary judgment and Plaintiff was entitled to partial summary judgment.

HOLDINGS

1. A party's failure to respond to requests for admission conclusively establishes the matters admitted under Federal Rule of Civil Procedure 36(b), and those admissions cannot be overcome at the summary-judgment stage by contradictory affidavit testimony or other evidence in the summary-judgment record.
2. After de novo review of the portions specifically objected to and review for clear error of the remaining portions, the district court may adopt the magistrate judge's Memorandum and Recommendation when the objections lack merit and no clear error appears.
3. Defendant was entitled to summary judgment because Plaintiff's objections did not show exhaustion of administrative remedies, direct evidence of discrimination, or a prima facie case of discrimination or retaliation.
4. Plaintiff was not entitled to partial summary judgment.

KEY QUOTATIONS

"The Magistrate Judge correctly found that Plaintiff's failure to respond to Defendant's requests for admission 'conclusively established' the facts as admitted under Federal Rule of Civil Procedure 36(b)."

(opinion text)

"Such admissions 'cannot be overcome at the summary judgment stage by contradictory affidavit testimony or other evidence in the summary judgment record.'" (opinion text)

FACTUAL BACKGROUND

Trenton Kirksey, proceeding pro se, alleged that the National Multiple Sclerosis Society engaged in racial discrimination, retaliation, and civil conspiracy. His civil conspiracy claim had already been dismissed. The district court relied on Kirksey's failure to respond to Defendant's requests for admission, which conclusively established the admitted facts under Federal Rule of Civil Procedure 36(b), and concluded that his objections did not establish exhaustion of administrative remedies, direct evidence of discrimination, or a prima facie case of discrimination or retaliation.

PROCEDURAL HISTORY

Plaintiff sued the National Multiple Sclerosis Society for racial discrimination, retaliation, and civil conspiracy. The civil conspiracy claim was previously dismissed, and the matter was referred to Magistrate Judge Yvonne Ho. The magistrate judge recommended granting Defendant's motion for summary judgment and dismissing all remaining claims with prejudice, and recommended denying Plaintiff's motion for partial summary judgment. Plaintiff objected, but the district court overruled the objections and adopted the recommendation; a final judgment was to enter separately.

DISPOSITION

other

CASES CITED

- United States v Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)
- Guillory v PPG Industries Inc., 434 F.3d 303, 308 (5th Cir. 2005)
- Douglass v United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)
- Amador v Wolfe, 2021 WL 3889305, *2 (5th Cir.)
- In re Carney, 258 F.3d 415, 420 (5th Cir. 2001)

OPINION

Kirksey

PER CURIAM.

March 14, 2026 Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

TRENTON KIRKSEY, § CIVIL ACTION NUMBER

Plaintiff, § 4:24-cv-00871 § § versus § JUDGE CHARLES ESKRIDGE § §

NATIONAL MULTIPLE §

SCLEROSIS SOCIETY, §

Defendant. §

ORDER ADOPTING

MEMORANDUM AND RECOMMENDATION

Plaintiff Trenton Kirksey proceeds here pro se. He sued Defendant National Multiple Sclerosis Society for racial discrimination, retaliation, and civil conspiracy. Dkt 28 at ¶¶42–62 (amended complaint). His civil conspiracy claim was dismissed by prior order. See Dkt 41 at 2. The matter was referred for disposition to Magistrate Judge Yvonne Ho. Dkt 27. Plaintiff moved for partial summary judgment on his retaliation claims. Dkt 57. Defendant also moved for summary judgment, seeking dismissal of all claims. Dkt 77. Pending is a Memorandum and

Recommendation by Judge Ho recommending that Defendant's motion for summary judgment be granted and all of Plaintiff's claims be dismissed with prejudice. Dkt 97 at 29. Accordingly, she further recommended that Plaintiff's motion for partial summary judgment be denied. Ibid. The district court reviews de novo those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, per curiam). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, en banc); see also FRCP 72(b) advisory committee note (1983). Plaintiff filed objections. Dkt 98. He claims that the Memorandum and Recommendation erred by, among other things, deeming him to have admitted key facts when failing to respond to discovery requests. See *id* at 4. Upon de novo review and determination, Plaintiff's objections lack merit. The Magistrate Judge correctly found that Plaintiff's failure to respond to Defendant's requests for admission "conclusively established" the facts as admitted under Federal Rule of Civil Procedure 36(b). See Dkt 97 at 10; see also Dkt 77-1 at 5-14 (requests for admission). Such admissions "cannot be overcome at the summary judgment stage by contradictory affidavit testimony or other evidence in the summary judgment record." *Amador v Wolfe*, 2021 WL 3889305, *2 (5th Cir), quoting *In re Carney*, 258 F3d 415, 420 (5th Cir 2001). Putative evidence that Plaintiff seeks to present in his objections is thus properly disregarded. The objections otherwise fail to show Plaintiff exhausted administrative remedies, presented direct evidence of discrimination, or made a prima facie case of discrimination or retaliation. The objections by Plaintiff Trenton Kirksey to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 98. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law. The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 97. The motion by Defendant National Multiple Sclerosis Society for summary judgment is GRANTED. Dkt 77. The motion by Plaintiff Trenton Kirksey for partial summary judgment is DENIED. Dkt 57. A final judgment will enter separately. SO ORDERED. Signed on March 13, 2026, at Houston, Texas. CA able Charles vlan United States District Judge