

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)

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