

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

Aje-Ori Agbese, Minhee Eom, and Wan-Lin Chang v. University of
Texas Rio Grande Valley

Agbese · No. 7:25-CV-00239 · Decided March 30, 2026

SUMMARY

The United States District Court for the Southern District of Texas grants the University of Texas Rio Grande Valley’s Rule 12(b)(6) motion to dismiss Title VII discrimination claims brought by three professors who were denied promotion and tenure. The court concludes that the plaintiffs alleged adverse employment actions but did not plead sufficient facts to support an inference that the decisions were based on race, national origin, ethnicity, color, or sex, and dismisses the claims without prejudice with leave to amend.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, McAllen Division
WRITING FOR THE COURT	Drew B. Tipton
JURISDICTION	United States District Court for the Southern District of Texas, McAllen Division
DECIDED	March 30, 2026
DOCKET	7:25-CV-00239
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs brought Title VII claims alleging race, national-origin, ethnicity, color, and sex discrimination based on denials of promotion and tenure. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts factual allegations as true, views them in the light most favorable to the plaintiff, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	Unknown

PARTIES

Aje-Ori Agbese, Minhee Eom, Wan-Lin Chang v. University of Texas
Rio Grande Valley

TOPICS

title vii employment discrimination motions to dismiss pleadings civil procedure

PRACTICE AREAS

employment law civil rights civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiffs adequately pleaded Title VII disparate-treatment discrimination claims based on race, national origin, ethnicity, color, and sex.
2. Whether the McDonnell Douglas prima facie framework governs the sufficiency of a Title VII complaint at the Rule 12(b)(6) stage.
3. Whether Plaintiffs alleged sufficient facts to support a reasonable inference that the denials of promotion and tenure were because of protected characteristics.

HOLDINGS

1. At the motion-to-dismiss stage, a Title VII plaintiff need not plead the evidentiary prima facie case required under McDonnell Douglas; the complaint must plead an adverse employment action taken because of the plaintiff's protected status.
2. Plaintiffs failed to state Title VII claims based on race, national origin, ethnicity, or color because their allegations that UTRGV sought to promote Spanish language and culture, together with their beliefs that this disadvantaged them, did not provide sufficient factual content to support an inference that the promotion and tenure denials were because of protected characteristics.
3. Plaintiffs failed to state Title VII sex-discrimination claims because the allegation that most faculty denied tenure or promotion during the relevant academic year were women, without information about the applicant pool, faculty composition, or relevant programs, did not support a reasonable inference of discriminatory motive.

KEY QUOTATIONS

“Under Swierkiewicz, “there are two ultimate elements a plaintiff must plead to support a disparate treatment claim under Title VII: (1) an adverse employment action, (2) taken against a plaintiff because of her protected status.”” (Section III)

“Plaintiffs’ Title VII discrimination claims are DISMISSED without prejudice.” (Section IV)

FACTUAL BACKGROUND

Plaintiffs were professors at the University of Texas Rio Grande Valley who applied for promotion and, in one case, tenure, during 2023. Although university committees gave them favorable reviews and recommendations, the provost denied their applications, citing concerns including scholarship, contributions to the university's classification goals, and grant-related issues. Plaintiffs alleged that the denials were discriminatory because UTRGV sought to become a bilingual, bicultural, and biliterate institution focused on Spanish and because women allegedly comprised most faculty denied promotion or tenure during the relevant academic year.

PROCEDURAL HISTORY

Plaintiffs filed suit on May 20, 2025. UTRGV moved to dismiss, arguing that Plaintiffs failed to plead a prima facie case under the McDonnell Douglas framework and failed to plead facts showing pretext. The court granted the motion to dismiss the Title VII discrimination claims without prejudice and permitted Plaintiffs to file an amended complaint by April 17, 2026.

DISPOSITION

dismissed

CASES CITED

- *White v. U.S. Corrs., LLC*, 996 F.3d 302, 306-07 (5th Cir. 2021)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 1949, 173 L.Ed.2d 868 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570, 127 S.Ct. 1955, 1964-65, 1974, 167 L.Ed.2d 929 (2007)
- *Flores v. Morehead Dotts Rybak, Inc.*, No. 2:21-CV-00265, 2022 WL 4740076, at *2 (S.D. Tex. Sept. 29, 2022)
- *Montoya v. FedEx Ground Package Sys., Inc.*, 614 F.3d 145, 148 (5th Cir. 2010)
- *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973)
- *Alkhawaldeh v. Dow Chem. Co.*, 851 F.3d 422, 426 (5th Cir. 2017)
- *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 122 S.Ct. 992, 152 L.Ed.2d 1 (2002)
- *Olivarez v. T-Mobile USA, Inc.*, 997 F.3d 595, 599 (5th Cir. 2021)
- *Cicalese v. Univ. of Tex. Med. Branch*, 924 F.3d 762, 766 (5th Cir. 2019)

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