

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, PECOS DIVISION

Leslie Robert Burk v. LaSalle Corrections V, LLC, et al.

Burk · No. PE:24-CV-00054-DC-DF · Decided January 20, 2026

SUMMARY

This Report and Recommendation addresses a motion to dismiss claims brought by federal detainee Leslie Robert Burk concerning alleged excessive force, inadequate medical care, interference with mail and court access, failure to report misconduct, and missed meals at the West Texas Detention Facility. The magistrate judge recommends granting the motion filed by LaSalle Corrections V, LLC and Mrs. Padilla and dismissing with prejudice the claims against those defendants and the remaining individual defendants. The recommendation principally concludes that the claims against private correctional employees are unavailable under Bivens under *Minneci v. Pollard*, and that claims against the private correctional corporation are barred under *Correctional Services Corp. v. Malesko*.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Pecos Division
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Texas, Pecos Division
DECIDED	January 20, 2026
DOCKET	PE:24-CV-00054-DC-DF
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on LaSalle Corrections V, LLC and Mrs. Padilla's motion to dismiss and on screening of claims against unserved individual defendants in a pro se federal detainee civil-rights action.
STANDARD OF REVIEW	The recommendation applies the Rule 12(b)(6) plausibility standard, accepting well-pleaded facts as true and construing them in the plaintiff's favor, while also applying 28 U.S.C. § 1915(e) screening standards to the unserved individual defendants. Pro se pleadings are construed liberally, but conclusory allegations and legally unavailable claims do not suffice.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Leslie Robert Burk v. LaSalle Corrections V, LLC, Mrs. Padilla, Warden Parker, LT. Castro, Lt. Herrera, Assistant Warden Ayala, John Does, Assistant Warden Valdez, Billy McConnell, Michael K. Dean, Mrs. Sathoff, Elizabeth Javalera, Mrs. Penafiel, Lorena Quinones, Mrs. Penalosa, Hayden Saenz, Mrs. Muella, Mrs. Ramirez, Unnamed Director of Kitchen Operations, Lt. Sierra, Gang Intelligence – Castro, Sgt. Cervantes, Sgt. Rodreguez, Sgt. DeLara, Captain Carreon

TOPICS

prisoners rights

civil rights

motions to dismiss

section 1983

due process

PRACTICE AREAS

civil rights

constitutional law

federal courts

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether Burk's constitutional claims against Padilla and the individual defendants should be analyzed under Bivens rather than 42 U.S.C. § 1983.
2. Whether Bivens provides a cause of action for a federal pretrial detainee's excessive-force, medical-care, missed-meal, mail, access-to-courts, and failure-to-report claims against employees of a privately operated detention facility.
3. Whether Burk may pursue Bivens claims against LaSalle Corrections V, LLC.
4. Whether any remaining state-law claims should be dismissed through declining supplemental jurisdiction.
5. Whether Burk should receive leave to amend.

HOLDINGS

1. The report recommends treating Burk's constitutional claims against Padilla and the individual defendants as Bivens claims because Burk was a federal detainee housed in a privately operated facility under contract with the federal government and his pleadings characterized the defendants as federal actors.
2. The report recommends dismissing Burk's Bivens claims against Padilla and the individual defendants because his claims arose in new Bivens contexts and existing state-law remedies and other considerations counseled against extending Bivens.
3. The report recommends dismissing Burk's Bivens claims against LaSalle because Bivens does not extend to private corporate entities.
4. The report recommends declining supplemental jurisdiction over Burk's remaining negligence and malpractice claims if the federal civil-rights claims are dismissed.

5. The report recommends denying leave to amend because Burk had already pleaded his best case through his complaint, questionnaire responses, and more definite statements.

KEY QUOTATIONS

“New Bivens claims are unavailable if there are special factors counseling hesitation in the absence of affirmative action by Congress or if there are alternative, existing processes for relief.”

“The undersigned finds the answer is that—though not determinative in all circumstances—the custodial status of the detainee is determinative in whether the employees of a private prison were acting under color of state or federal law.”

FACTUAL BACKGROUND

Burk was a federal pretrial detainee housed at the West Texas Detention Facility, a facility operated by LaSalle Corrections V, LLC. He alleged excessive force, inadequate medical care, interference with mail and access to courts, failure to report misconduct, missed meals, equal-protection violations, conspiracy, and related state-law negligence and malpractice claims. The report treated the individual defendants as private employees acting pursuant to federal contractual responsibilities and treated LaSalle as a private corporate operator.

PROCEDURAL HISTORY

Burk filed a pro se complaint concerning multiple incidents at the West Texas Detention Facility. The court ordered him to clarify his allegations through addenda, questionnaire responses, and more definite statements. LaSalle and Padilla moved to dismiss; most individual defendants remained unserved. The magistrate judge recommended granting the motion to dismiss, dismissing the claims with prejudice, declining supplemental jurisdiction over any state-law claims, and denying leave to amend, subject to district-court review after objections.

DISPOSITION

other

CASES CITED

- Davis v. Lumpkin, 35 F.4th 958, 962 (5th Cir. 2022)
- Walters v. LaSalle Corrs., No. 22-CV-35, 2022 WL 2240467 (W.D. Tex. June 21, 2022)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Minneci v. Pollard, 565 U.S. 118 (2012)
- Correctional Servs. Corp. v. Malesko, 534 U.S. 61 (2001)
- Ziglar v. Abbasi, 582 U.S. 120 (2017)
- Bell v. Wolfish, 441 U.S. 520, 535 n.16 (1979)

- Brookshire Bros. Holding, Inc. v. Dayco Prods., Inc., 554 F.3d 595, 602 (5th Cir. 2009)
- Brewster v. Dretke, 587 F.3d 764, 767–68 (5th Cir. 2009)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428–29 (5th Cir. 1996)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-western-district-of-texas-pecos-division-united-states-district/2026/leslie-robert-burk-v-lasalle-corrections-v-llc-et-al-1rn7761x>