

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

John Doe, by and through his next friend, Jane Doe v. Mesa County Valley School District 51; Jared Burek, in his individual capacity; Tom LeFebre, in his individual capacity; Mark Allen, in his individual capacity

Doe v. Mesa County Valley School District 51 · No. 1:23-cv-01858-DDD-TPO · Decided March 25, 2026

SUMMARY

The United States District Court for the District of Colorado grants defendants’ motion for summary judgment in a student First Amendment and retaliation action. The court holds that school officials reasonably forecast substantial disruption from the plaintiff’s communications with teachers and therefore acted permissibly under Tinker v. Des Moines Independent Community School District. The court also grants summary judgment on the retaliation claims because the plaintiff did not establish engagement in constitutionally protected speech.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Daniel D. Domenico
JURISDICTION	United States District Court for the District of Colorado
DECIDED	March 25, 2026
DOCKET	1:23-cv-01858-DDD-TPO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought First Amendment free-speech and retaliation claims against a school district and school officials. After discovery, defendants moved for summary judgment, and the district court granted the motion.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed reasonable factual inferences in the light most favorable to the nonmoving party and applied the objective-reasonableness standard under Tinker.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

free speech

first amendment

summary judgment

civil rights

civil procedure

PRACTICE AREAS

constitutional law

civil rights

education law

civil procedure

QUESTIONS PRESENTED

1. Whether school officials violated Plaintiff's First Amendment right to free speech by restricting or disciplining his emails and related conduct.
2. Whether the restrictions were permissible under *Tinker v. Des Moines Independent Community School District* because school officials reasonably forecast material and substantial disruption.
3. Whether Plaintiff's First Amendment retaliation claims survived summary judgment.
4. Whether the school's content-neutral student-conduct rule was exempt from *Tinker* scrutiny.

HOLDINGS

1. The restrictions were constitutionally permissible under *Tinker* because the undisputed record showed that school officials reasonably forecast substantial disruption from Plaintiff's conduct and potential confrontations with teachers.
2. Defendants were entitled to summary judgment on the retaliation claims because Plaintiff did not establish that he engaged in constitutionally protected speech.
3. The court declined to hold that content-neutral student-conduct rules create an exception to *Tinker*, concluding that Thompson did not decide that question and that the Supreme Court had identified only specific categories of student speech outside the ordinary *Tinker* framework.

KEY QUOTATIONS

“Under Tinker, a public school may not restrict private student expression unless the school reasonably forecasts it ‘would materially and substantially interfere with the requirements of appropriate discipline in operation of the school,’ or ‘impinge upon the rights of other students.’” (Discussion, Part I)

“Because there is “ample undisputed evidence,” id., that Defendants reasonably forecast substantial disruption, any restrictions of speech were constitutionally permissible under Tinker.” (Discussion, Part I)

“It is ORDERED that: The Defendants’ Motion for Summary Judgment, Doc. 43, is GRANTED.”
(Conclusion)

FACTUAL BACKGROUND

Plaintiff, a high school student, sent emails to teachers in 2021 and 2022 criticizing their conduct, requesting assistance, and using language school administrators viewed as disrespectful or inappropriate. After the first email, a confrontation involving Plaintiff, his parents, and the principal disturbed the school office, and Plaintiff was prevented from returning to class that day. After later emails, administrators placed Plaintiff in a timeout,

prevented him from attending a class, and required him to rewrite an email before attending class because they feared further confrontations and disruption. Plaintiff contended that these responses violated his First Amendment rights and constituted retaliation.

PROCEDURAL HISTORY

Plaintiff sued after school officials restricted or disciplined him in connection with emails he sent to teachers. Following discovery, defendants moved for summary judgment under Federal Rule of Civil Procedure 56. The district court granted summary judgment on the First Amendment claim and the remaining retaliation claims.

DISPOSITION

other

CASES CITED

- Wright ex rel. Tr. Co. of Kansas v. Abbott Laboratories, Inc., 259 F.3d 1226 (10th Cir. 2001)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)
- Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)
- Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
- Morse v. Frederick, 551 U.S. 393 (2007)
- Thompson v. Ragland, 23 F.4th 1252 (10th Cir. 2022)
- Taylor v. Roswell Independent School District, 713 F.3d 25 (10th Cir. 2013)
- Fleming v. Jefferson County School District, 298 F.3d 918 (10th Cir. 2002)
- Jacobs v. Clark County School District, 526 F.3d 419 (9th Cir. 2008)
- Healy v. James, 408 U.S. 169 (1972)
- Mahanoy Area School District v. B. L. by and through Levy, 594 U.S. 180 (2021)
- Reed v. Town of Gilbert, Arizona, 576 U.S. 155 (2015)
- Worrell v. Henry, 219 F.3d 1197 (10th Cir. 2000)