

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

Cristina Pompa v. Edinburg Consolidated Independent School
District

Pompa · No. 7:24-CV-098 · Decided February 5, 2026

SUMMARY

The United States District Court for the Southern District of Texas granted Edinburg Consolidated Independent School District’s motion for summary judgment in Cristina Pompa’s Fair Labor Standards Act action. The court held that the District satisfied the statutory lactation-break and private-location requirements and that Pompa failed to establish a causal link between her complaint and termination or demonstrate pretext.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, McAllen Division
WRITING FOR THE COURT	Semando Kadiigus, Jr.
JURISDICTION	United States District Court for the Southern District of Texas, McAllen Division
DECIDED	February 5, 2026
DOCKET	7:24-CV-098
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on the plaintiff’s claims under the Fair Labor Standards Act concerning lactation accommodations and retaliation. The plaintiff did not respond to the renewed motion for summary judgment.
STANDARD OF REVIEW	Summary judgment is appropriate when the pleadings and evidentiary materials, viewed in the light most favorable to the nonmoving party, show no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. If the nonmoving party fails to make a sufficient showing on an essential element for which she bears the burden of proof, summary judgment must be granted. The court is not required to search the record sua sponte for evidence supporting an unopposed response.

TOPICS

flsa

wage and hour

retaliation

summary judgment

civil procedure

PRACTICE AREAS

employment law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the District violated 29 U.S.C. § 207(r) by failing to provide Pompa reasonable break time and a suitable private place to express breast milk.
2. Whether the District retaliated against Pompa in violation of the FLSA by suspending and terminating her after she complained about lactation accommodations.
3. Whether the District was entitled to summary judgment on the undisputed record.

HOLDINGS

1. The District satisfied the requirements of 29 U.S.C. § 207(r)(1) because Pompa was able to express milk as needed, was not denied breaks, and was provided private locations other than bathrooms that were shielded from view and free from intrusion.
2. Pompa failed to establish a prima facie FLSA retaliation claim because she did not raise a genuine issue of material fact concerning a causal link between her protected complaint and her suspension or termination. In any event, the District presented legitimate, nonretaliatory reasons for the employment actions, and Pompa submitted no evidence of pretext.

KEY QUOTATIONS

“Pompa’s own testimony establishes that at all times that she needed to express milk, the District afforded her “a place, other than a bathroom, that [was] shielded from view and free from intrusion from coworkers and the public.”” (5)

“The absence of a causal link means that Pompa fails to present a prima facie case of retaliation.” (8)

FACTUAL BACKGROUND

The District hired Cristina Pompa as a school police officer in 2015. After taking FMLA leave following the birth of her child in January 2021, Pompa requested private locations to express breast milk; the District provided various private, lockable rooms, and Pompa acknowledged that she could express milk as needed, was never denied a break, and was never viewed while doing so. Pompa filed a complaint regarding lactation accommodations in August 2021. She was later suspended and terminated after two workplace incidents involving a disputed report about a student's food and allegedly improper searches of female students, followed by an investigation that affirmed policy violations.

PROCEDURAL HISTORY

Pompa filed suit in Texas state court in October 2023. The District removed the action to federal court in March 2024. After mediation failed, the District timely filed a renewed motion for summary judgment; the court denied Pompa's motion to strike and ordered a response, but Pompa filed none. The court granted summary judgment to the District and stated that a separate final judgment would issue.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247 (1986)
- Olabishiomotosho v. City of Houston, 185 F.3d 521, 525 (5th Cir. 1999)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Ragas v. Tennessee Gas Pipeline Co., 136 F.3d 455, 458 (5th Cir. 1998)
- Barbosa v. Boiler House LLC, No. 5:17-CV-340-DAE, 2018 WL 8545855, at *6 (W.D. Tex. Feb. 23, 2018)
- Starnes v. Wallace, 849 F.3d 627, 632 (5th Cir. 2017)
- Hagan v. Echostar Satellite, L.L.C., 529 F.3d 617, 624 (5th Cir. 2008)
- Mauder v. Metropolitan Transit Authority of Harris County, Texas, 446 F.3d 574, 583 (5th Cir. 2006)
- Medina v. Ramsey Steel Co., 238 F.3d 674, 684 (5th Cir. 2001)
- Sherrod v. American Airlines, Inc., 132 F.3d 1112, 1122 (5th Cir. 1998)
- Strong v. University Healthcare System, L.L.C., 482 F.3d 802, 807-08 (5th Cir. 2007)
- Stuntz v. Lion Elastomers, L.L.C., 826 F. App'x 391, 405 (5th Cir. 2020) (per curiam) (unpublished)
- Besser v. Texas General Land Office, 834 F. App'x 876, 884 (5th Cir. 2020) (per curiam) (unpublished)
- Lyons v. Katy Independent School District, 964 F.3d 298, 305 (5th Cir. 2020)
- Newbury v. City of Windcrest, Texas, 991 F.3d 672, 679 (5th Cir. 2021)
- Bell v. Bank of America, 171 F. App'x 442, 444 (5th Cir. 2006) (per curiam) (unpublished)
- Harvey v. Stringer, 113 F. App'x 629, 631 (5th Cir. 2004) (per curiam) (unpublished)
- Gee v. Principi, 289 F.3d 342, 346 n.3 (5th Cir. 2002)
- Clark County School District v. Breeden, 532 U.S. 268, 273 (2001)