

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS

Michael Wilcox v. W.K.S. Frosty Corporation

Wilcox · No. 6:25-cv-00299 · Decided December 16, 2025

SUMMARY

The United States District Court for the Eastern District of Texas granted the defendant’s motion to dismiss claims under the ADA and FMLA, adopting the magistrate judge’s report and recommendation. The court concluded that the plaintiff had not adequately pleaded ADA qualification, reasonable accommodation, or FMLA retaliation, while declining to address the state-law workers’ compensation retaliation claim at that stage. The plaintiff was granted leave to file a second amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas
WRITING FOR THE COURT	Campbell Barker
JURISDICTION	United States District Court for the Eastern District of Texas
DECIDED	December 16, 2025
DOCKET	6:25-cv-00299
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation recommending dismissal under Federal Rule of Civil Procedure 12(b)(6) with leave to amend. The district court reviewed the objected-to portions de novo, accepted the recommendation, granted the motion to dismiss, and granted plaintiff leave to file a second amended complaint.
STANDARD OF REVIEW	The district court reviews timely, specific objections to a magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3). Improper or general objections are reviewed, at most, for clear error on the face of the record. A Rule 12(b)(6) complaint must contain enough factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown

PARTIES

Michael Wilcox v. W.K.S. Frosty Corporation

TOPICS

motions to dismiss

ada discrimination

reasonable accommodation

family and medical leave act

retaliation

PRACTICE AREAS

civil procedure

employment law

civil rights

ada / disability

family and medical leave act

QUESTIONS PRESENTED

1. Whether Wilcox adequately pleaded an ADA discrimination claim by alleging that he was qualified to perform his job's essential functions despite his disability or with a reasonable accommodation.
2. Whether Wilcox adequately pleaded an ADA failure-to-accommodate claim.
3. Whether placing an employee on involuntary FMLA leave constitutes FMLA interference.
4. Whether Wilcox adequately pleaded FMLA retaliation without alleging that he sought protection under the FMLA.
5. Whether the court should address Wilcox's state-law workers' compensation retaliation claim at the pleading stage while granting leave to amend the federal claims.

HOLDINGS

1. Wilcox failed to state an ADA discrimination claim because he did not adequately allege that he was qualified for his job despite his disability or that he could perform the essential job functions with a reasonable accommodation.
2. Wilcox failed to state an ADA failure-to-accommodate claim because he did not allege facts showing that he could perform the essential job functions despite his disability or that a reasonable accommodation would enable him to do so.
3. An employer's placement of an employee on involuntary FMLA leave does not, by itself, constitute interference with FMLA rights.
4. Wilcox failed to state an FMLA retaliation claim because he did not allege that he sought protection under the FMLA, and involuntary placement on FMLA leave could not plausibly support retaliation for taking such leave.
5. The court declined to address the state-law claim because it was granting leave to amend the federal claims.

KEY QUOTATIONS

“To survive a Rule 12(b)(6) motion to dismiss, plaintiff’s complaint must include “enough facts to state a claim to relief that is plausible on its face.”” (Section II)

“Because plaintiff was involuntarily placed on FMLA leave, he cannot plausibly claim that defendant retaliated against him for taking such leave.” (Section III.C)

FACTUAL BACKGROUND

Wilcox alleged that he injured his lower back while installing heat lamps and later requested assistance because of the injury. He alleged that his employer rescinded a work order, demoted him, placed him on involuntary FMLA leave, required him to return company property, and told him that his asserted work restrictions could not be accommodated. He also alleged that he requested a non-driving position but received no response, and that his workers' compensation claim was denied as untimely and related to a preexisting injury.

PROCEDURAL HISTORY

Wilcox filed claims under the Americans with Disabilities Act, the Family and Medical Leave Act, and the Texas Labor Code. The case was referred to a magistrate judge, who recommended granting the defendant's motion to dismiss for failure to state a claim while allowing amendment. After Wilcox filed objections, the district court found no error, overruled the objections, dismissed the claims, and granted leave to file a second amended complaint; it declined to address the state-law claim at that stage.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff may file a second amended complaint addressing the deficiencies identified in the order and the magistrate judge's report and recommendation.

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Vettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. Unit B 1982) (en banc)
- Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996) (en banc)
- Cupit v. Whitley, 28 F.3d 532, 535 & n.5 (5th Cir. 1994)
- Thompson v. Microsoft Corp., 2 F.4th 460, 467 (5th Cir. 2021)
- Willis v. Coca Cola Enterprises, 445 F.3d 413, 417 (5th Cir. 2006)
- Ion v. Chevron USA, Inc., 731 F.3d 379, 390 (5th Cir. 2013)