

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

George Alvarez v. City of Brownsville

George Alvarez v. City of Brownsville, 904 F.3d 382 (5th Cir. 2018) · No. 16-40772 · Decided September 18, 2018

SUMMARY

The Fifth Circuit en banc held that the City of Brownsville was not subject to municipal liability under § 1983 for an alleged Brady violation because the plaintiff failed to establish a direct causal link between the city's policy of nondisclosure and the constitutional violation, and the policy was not implemented with deliberate indifference. The court also declined to extend Brady to the guilty plea context, reaffirming circuit precedent that a defendant who pleads guilty waives any right to exculpatory evidence prior to the plea. The judgment against the city was reversed and the action dismissed with prejudice.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Carl E. Stewart; E. Grady Jolly; Edith H. Jones; Jerry E. Smith; Leslie H. Wiener; James L. Dennis; Edith Brown Clement; Priscilla R. Owen; Jennifer Walker Elrod; Emilio M. Garza; W. Eugene Davis; Rhesa H. Barksdale; Lyle W. Cayce; Thomas M. Reavley; John M. Duhe; Jacques L. Wiener
JURISDICTION	Federal
DECIDED	September 18, 2018
DOCKET	16-40772
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Southern District of Texas. The district court granted summary judgment for Alvarez on municipal liability, held jury trial on damages, and entered final judgment for \$2,300,000. The City appealed. A panel reversed, but the en banc court granted rehearing.
STANDARD OF REVIEW	De novo review applies to summary judgment rulings. See <i>Aldous v. Darwin Nat’l Assurance Co.</i> , 851 F.3d 473, 477 (5th Cir. 2017), vacated in part by 889 F.3d 798 (5th Cir. 2018).
PRECEDENTIAL VALUE	Published

PARTIES

City of Brownsville v. George Alvarez

TOPICS

civil rights

section 1983

due process

summary judgment

government liability

PRACTICE AREAS

Civil Rights

Appellate Practice

QUESTIONS PRESENTED

1. Whether the City of Brownsville should be subjected to municipal liability under 42 U.S.C. § 1983 for Alvarez's Brady claim based on an unwritten policy of not disclosing exculpatory evidence from internal investigations.
2. Whether Alvarez's guilty plea precludes him from asserting a constitutional Brady claim in his § 1983 action against the City.

HOLDINGS

1. The City cannot be held liable under § 1983 because there is no direct causal link between the alleged policy of non-disclosure and the constitutional violation, and the policy was not implemented with deliberate indifference.
2. The court declines to extend the Brady right to the pre-plea context, following circuit precedent that a guilty plea waives the right to a trial and thus the right to Brady material.

KEY QUOTATIONS

"This case was reheard en banc after the Appellee, George Alvarez, had his \$2.3 million judgment reversed and his claims against the City of Brownsville dismissed by a panel of this court. The en banc court has carefully considered two important questions as to the merits of this case: (1) whether the City of Brownsville should have been subjected to municipal liability for Alvarez's claim under Brady v. Maryland, 373 U.S. 83 (1963); and (2) whether Alvarez was precluded from asserting his constitutional Brady claim for his 42 U.S.C. § 1983 action against the City of Brownsville because he pled guilty." (at 2)

"In conclusion, the City of Brownsville should not have been liable as a matter of law for Alvarez's § 1983 action." (at 13)

"For the foregoing reasons, we REVERSE the district court's judgment, and RENDER judgment in favor of the City of Brownsville. Alvarez's action against the City of Brownsville is DISMISSED with prejudice." (at 17)

FACTUAL BACKGROUND

Seventeen-year-old George Alvarez was arrested for public intoxication and burglary of a motor vehicle. While in custody, he had an altercation with Officer Jesus Arias, which was captured on video. The Brownsville Police Department conducted separate internal administrative and criminal investigations. The internal investigation

concluded that Officer Arias used proper force, but the video recordings were not shared with the criminal investigation division or disclosed to the prosecution. Alvarez pled guilty to assault on a public servant and received a suspended sentence. After he violated probation, he was imprisoned. Four years later, the videos surfaced in an unrelated lawsuit, showing the incident. The Texas Court of Criminal Appeals found Alvarez actually innocent and vacated his conviction. Alvarez then sued the City under § 1983 for the Brady violation.

PROCEDURAL HISTORY

Alvarez sued the City after his state assault conviction was vacated based on a Brady violation. The district court granted summary judgment for Alvarez on municipal liability and held a jury trial on damages, awarding \$2,000,000 in compensatory damages plus \$300,000 in attorney fees. A panel of this court reversed and dismissed, but the en banc court granted rehearing. After supplemental briefing and oral argument, the en banc court reversed the district court and rendered judgment for the City.

DISPOSITION

reversed

CASES CITED

- Brady v. Maryland, 373 U.S. 83 (1963)
- Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978)
- Piotrowski v. City of Houston, 237 F.3d 567 (5th Cir. 2001)
- James v. Harris County, 577 F.3d 612 (5th Cir. 2009)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Bd. of Cty. Comm'rs of Bryan Cty. v. Brown, 520 U.S. 397 (1997)
- Burge v. St. Tammany Par., 336 F.3d 363 (5th Cir. 2003)
- United States v. Ruiz, 536 U.S. 622 (2002)
- United States v. Conroy, 567 F.3d 174 (5th Cir. 2009)
- Matthew v. Johnson, 201 F.3d 353 (5th Cir. 2000)
- Aldous v. Darwin Nat'l Assurance Co., 851 F.3d 473 (5th Cir. 2017)
- State Farm Fire & Casualty Co. v. Flowers, 854 F.3d 842 (5th Cir. 2017)
- United States ex rel. Farmer v. City of Houston, 523 F.3d 333 (5th Cir. 2008)
- Fraire v. City of Arlington, 957 F.2d 1268 (5th Cir. 1992)
- Rhyne v. Henderson County, 973 F.2d 386 (5th Cir. 1992)
- Snyder v. Trepagnier, 142 F.3d 791 (5th Cir. 1998)
- Valle v. City of Hous., 613 F.3d 536 (5th Cir. 2010)
- Brown v. Bryan County, 219 F.3d 450 (5th Cir. 2000)

CITED IN

- George Alvarez v. City of Brownsville, Alvarez v. City of Brownsville, 904 F.3d 382 (5th Cir. 2018)

