

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Chance Clyce v. Nadine Butler

No. 18-11189, United States Court of Appeals for the Fifth Circuit (November 16, 2020)

SUMMARY

The Fifth Circuit held that res judicata did not bar a § 1983 suit against individual detention officers because they were not in privity with prior defendants from the same county detention center, as the prior suit involved different individual acts and the officers were not adequately represented. The court rejected a broad rule that privity exists merely because defendants are coworkers at the same government agency, and it reversed the district court's dismissal on res judicata grounds. The opinion also addressed procedural issues, confirming that res judicata may be raised in a Rule 12(b)(6) motion when apparent from the pleadings and that courts may take judicial notice of prior proceedings.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	James E. Graves, Jr.; Gregg Costa; Kurt D. Engelhardt
JURISDICTION	Federal
DECIDED	November 16, 2020
DOCKET	18-11189
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the United States District Court for the Northern District of Texas, dismissal on res judicata grounds.
STANDARD OF REVIEW	de novo for Rule 12(b)(6) and res judicata determination
PRECEDENTIAL VALUE	Unpublished
PARTIES	Chance Marcus Clyce, Donna Jill Clyce, Mark Clyce, and on behalf of all those similarly situated v. Frederick Farley, Kenneth Wright, Shanigia Williams, individually and in their official capacities

TOPICS

- res judicata
- civil procedure
- prisoners rights
- fourteenth amendment
- motions to dismiss

PRACTICE AREAS

- Civil Rights
- Appellate Procedure

QUESTIONS PRESENTED

1. Whether the district court erred in dismissing the claims on res judicata grounds.
2. Whether the district court abused its discretion in denying leave to amend the complaint.

HOLDINGS

1. Res judicata does not bar the claims because the Appellees are not in privity with the defendants in the prior lawsuit. Mere employment at the same government entity does not establish privity, and the Appellees' interests were not adequately represented in the prior suit.
2. The district court did not abuse its discretion in denying leave to amend at that time because the proposed amendment would not have necessarily precluded a finding of res judicata. However, on remand, Chance may file another motion to amend in light of the liberal policy of Rule 15(a)(2).

KEY QUOTATIONS

“Privity is not established by the mere fact that persons may be interested in the same question or in proving the same set of facts.” (12)

“Nonmutual claim preclusion is generally disfavored.” (14)

“Privity, however, does not exist merely because the previous and current litigants work for the same government entity.” (14)

FACTUAL BACKGROUND

In 2008, thirteen-year-old Chance Clyce was detained at Hunt County Juvenile Detention Center for 16 days. During that time, he suffered serious injuries including loss of weight, bruises, a fractured arm, and a life-threatening MRSA infection. He required multiple extensive surgeries on his joints and heart, continues to suffer chronic pain, and will need future surgeries. The defendants are employees of the Detention Center who were allegedly involved in failing to provide medical care.

PROCEDURAL HISTORY

The case involves multiple lawsuits arising from Chance Clyce's 2008 detention injuries. The first lawsuit (2009) was dismissed and affirmed on appeal. The second lawsuit (2014) was initially dismissed as untimely, reversed and remanded in *Clyce v. Butler*, 876 F.3d 145 (5th Cir. 2017). On remand, the district court dismissed the case on res judicata grounds. This appeal followed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

On remand, the district court shall consider Chance's motion to amend in light of the liberal policy of Rule 15(a)(2). Chance is precluded from bringing claims against the Detention Center (issue abandoned on appeal).

CASES CITED

- Clyce v. Hunt Cty., 515 F. App'x 319 (5th Cir. 2013)
- Clyce v. Butler, 876 F.3d 145 (5th Cir. 2017)
- Taylor v. City of Shreveport, 798 F.3d 276 (5th Cir. 2015)
- Test Masters Educ. Servs., Inc. v. Singh, 428 F.3d 559 (5th Cir. 2005)
- Kansa Reinsurance Co., Ltd. v. Cong. Mortg. Corp. of Tex., 20 F.3d 1362 (5th Cir. 1994)
- Norris v. Hearst Trust, 500 F.3d 454 (5th Cir. 2007)
- Snider v. L-3 Comms. Vertex Aerospace, L.L.C., 946 F.3d 660 (5th Cir. 2019)
- Oreck Direct, L.L.C. v. Dyson, Inc., 560 F.3d 398 (5th Cir. 2009)
- Allen v. McCurry, 449 U.S. 90 (1980)
- Procter & Gamble Co. v. Amway Corp., 376 F.3d 496 (5th Cir. 2004)
- OJSC Ukrnafta v. Carpatsky Petroleum Corp., 957 F.3d 487 (5th Cir. 2020)
- Snow Ingredients, Inc. v. SnoWizard, Inc., 833 F.3d 512 (5th Cir. 2016)
- Agrilectric Power Partners, Ltd. v. Gene. Elec. Co., 20 F.3d 663 (5th Cir. 1994)
- Nagle v. Lee, 807 F.2d 435 (5th Cir. 1987)
- Gulf Island-IV, Inc. v. Blue Streak-Gul Is Ops, 24 F.3d 743 (5th Cir. 1994)
- Meza v. Gen. Battery Corp., 908 F.2d 1262 (5th Cir. 1990)
- Taylor v. Sturgell, 553 U.S. 880 (2008)
- Lubrizol Corp. v. Exxon Corp., 871 F.2d 1279 (5th Cir. 1989)
- Freeman v. Lester Coggins Trucking, Inc., 771 F.2d 860 (5th Cir. 1985)
- Aerojet General Corp. v. Askew, 511 F.2d 710 (5th Cir. 1975)
- Hardy v. Johns-Manville Sales Corp., 681 F.2d 334 (5th Cir. 1982)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Boone v. Kurtz, 617 F.2d 435 (5th Cir. 1980)
- Sunshine Anthracite Coal Co. v. Adkins, 310 U.S. 381 (1940)
- Larissey v. Smith, 66 F.3d 323 (5th Cir. 1995)
- Fregia v. Bright, 750 F. App'x 296 (5th Cir. 2018)
- Chalmers v. City of Dallas, No. 3:14-CV-36, 2014 WL 7174289 (N.D. Tex. Dec. 16, 2014)
- McCoy v. Blossom, Civ. No. 09-2146, 2014 WL 1120346 (W.D. La. Mar. 20, 2014)
- NY Pizzeria, Inc. v. Syal, 53 F. Supp. 3d 962 (S.D. Tex. 2014)
- Sidag Aktiengesellschaft v. Smoked Foods Prods. Co., 776 F.2d 1270 (5th Cir. 1985)
- Harmon v. Dallas Cty., 927 F.3d 884 (5th Cir. 2019)
- Lowrey v. Texas A&M Univ. Sys., 117 F.3d 242 (5th Cir. 1997)
- Foman v. Davis, 371 U.S. 178 (1962)
- Brewster v. Dretke, 587 F.3d 764 (5th Cir. 2009)
- City of Clinton v. Pilgrim's Pride Corp., 632 F.3d 148 (5th Cir. 2010)
- Dussouy v. Gulf Coast Inv. Corp., 660 F.2d 594 (5th Cir. 1981)

