

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Kyle W. Shirley v. Gadyaces Serralta, in his official capacity as Acting
Director of the United States Marshals Service

Shirley · No. 3:24-cv-2503-DWD · Decided March 7, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted summary judgment to the Acting Director of the United States Marshals Service in Kyle W. Shirley’s challenge to his removal as a Deputy United States Marshal based on medical inability to perform the position’s duties. The court held that the Merit Systems Protection Board’s decision was supported by substantial evidence and that Shirley had not shown that the removal was arbitrary, procedurally deficient, or otherwise unlawful. The court also dismissed without prejudice any disability-discrimination claim to the extent the complaint attempted to raise one.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	David W. Dugan
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 7, 2026
DOCKET	3:24-cv-2503-DWD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought judicial review of a Merit Systems Protection Board final order affirming his removal from his position as a Deputy United States Marshal. Defendant moved for summary judgment on the removal challenge and to dismiss any disability-discrimination claim for failure to state a claim.
STANDARD OF REVIEW	The court reviewed the MSPB's decision concerning the removal deferentially, affirming unless it was arbitrary, capricious, an abuse of discretion, otherwise not in accordance with law, obtained without required procedures, or unsupported by substantial evidence. The court reviewed discrimination claims de novo, while applying Federal Rule of Civil Procedure 12(b)(6) to the pleading sufficiency of any such claim.

PRECEDENTIAL VALUE	unpublished district-court memorandum and order; nonprecedential
PARTIES	Kyle W. Shirley v. Gadyaces Serralta, in his official capacity as Acting Director of the United States Marshals Service

TOPICS

judicial review of agency action merit systems protection board administrative law federal employment law
federal employee discrimination

PRACTICE AREAS

administrative law federal employment law civil service federal employee discrimination
reasonable accommodation

QUESTIONS PRESENTED

1. Whether the MSPB's decision affirming Shirley's removal for medical inability to perform the duties of a Deputy United States Marshal was arbitrary, capricious, procedurally deficient, or unsupported by substantial evidence.
2. Whether Shirley's disagreement with the MSPB's weighing of conflicting medical evidence created a genuine dispute requiring denial of summary judgment.
3. Whether the complaint stated a disability-discrimination claim when it disclaimed raising discrimination in the district court and the plaintiff did not oppose dismissal of such a claim.

HOLDINGS

1. The MSPB's decision affirming Shirley's removal was supported by substantial evidence and was not arbitrary, capricious, an abuse of discretion, procedurally unlawful, or otherwise contrary to law.
2. A plaintiff's disagreement with the MSPB's weighing of competing medical evidence does not create a genuine dispute of material fact sufficient to defeat summary judgment when the court's review is limited to the administrative record and governed by a deferential standard.
3. Any disability-discrimination claim in the complaint was dismissed without prejudice because the complaint disclaimed raising such a claim and Shirley did not respond to the motion to dismiss.

KEY QUOTATIONS

“A court’s review of an MSPB decision is deferential, and the MSPB’s decision must be affirmed unless it is ‘(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) obtained without procedures required by law, rule, or regulation having been followed; or (3) unsupported by substantial evidence.’”

“The question before us is not how the court would rule upon a de novo appraisal of the facts of the case, but whether the administrative determination is supported by substantial evidence in the record as a whole.”

“That Plaintiff disagrees with how the AJ and the Board weighed the evidence from both Plaintiff’s treating physician and Defendant’s Medical Review Officers does not make for genuine dispute of material fact.”

FACTUAL BACKGROUND

Shirley, a Deputy United States Marshal, suffered a work-related back injury in 2012 and underwent multiple spinal surgeries. Medical review officers concluded that his chronic condition and the risk of recurrence prevented him from safely and efficiently performing the core duties of a Deputy United States Marshal, which included physically demanding law-enforcement functions. The agency offered accommodation and reassignment options, but Shirley did not timely request either and was removed in 2017. Although his treating physician later cleared him for unrestricted work, the MSPB found the agency's contrary medical evidence more persuasive and affirmed the removal.

PROCEDURAL HISTORY

The United States Marshals Service removed Shirley after determining that his chronic back condition rendered him medically unqualified to perform the full duties of a Deputy United States Marshal. An MSPB administrative judge affirmed the removal following a hearing, and the full MSPB Board affirmed with modification in a May 23, 2024 Final Order. Shirley appealed the discrimination claims to the EEOC's Office of Federal Operations, which concurred with the MSPB. The district court granted summary judgment affirming the removal-related decision and dismissed without prejudice any discrimination claim asserted in the complaint.

DISPOSITION

other

CASES CITED

- Welcher-Butler v. Brennan, 619 F. App'x 550, 551-52 (7th Cir. 2015)
- Kloeckner v. Solis, 568 U.S. 41, 55 (2012)
- Leonard v. McDonough, No. 17 C 9259, 2024 WL 965192, at *9 (N.D. Ill. Mar. 6, 2024)
- Delgado v. Merit Systems Protection Board, 880 F.3d 913, 916 (7th Cir. 2018)
- Jacobs v. Department of Justice, 35 F.3d 1543, 1545 (Fed. Cir. 1994)
- Hayes v. Department of the Navy, 727 F.2d 1535, 1537 (Fed. Cir. 1984)
- Mizra v. Department of Treasury, 875 F. Supp. 513, 521 (N.D. Ill. Feb. 9, 1995)
- Perry v. Merit Systems Protection Board, 582 U.S. 420, 425 (2017)
- Brown v. Department of the Navy, 229 F.3d 1356, 1358 (Fed. Cir. 2000)
- Snyder v. Department of the Navy, 854 F.3d 1366, 1374 (Fed. Cir. 2017)
- Harris v. Department of Veterans Affairs, 142 F.3d 1463, 1467 (Fed. Cir. 1998)
- Cheeseman v. Office of Personnel Management, 791 F.3d 138, 140 (Fed. Cir. 1986)
- Cleveland v. Policy Management Systems Corp., 526 U.S. 795, 801-02 (1999)
- Boogaard v. National Hockey League, 891 F.3d 289, 295 (7th Cir. 2018)

- *Mourning v. Department of Defense*, Case No. 23-CV-03290-SPM, 2024 WL 2133810, at *2 (S.D. Ill. May 13, 2024)
- *Brown v. Department of the Interior*, 121 M.S.P.R. 205, paras. 8, 17 (2014)
- *Slater v. Department of Homeland Security*, 108 M.S.P.R. 419, paras. 7, 11 (2008)
- *Sanders v. Department of Homeland Security*, 122 M.S.P.R. 144, para. 9 (2015)
- *Perry v. Merit Systems Protection Board*, 582 U.S. 420, 429 (2017)

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