

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

Astrid Gandaria, Sandra Orta, and Mayra Reyes v. University of
Texas-Rio Grande Valley, Dr. Luis Torres-Hostos, Dr. Luis H. Zayas,
and Dr. Guy Bailey

Gandaria · No. Civil Action No. 7:24-CV-00423 · Decided March 30, 2026

SUMMARY

The United States District Court for the Southern District of Texas considers motions to dismiss claims brought by former University of Texas Rio Grande Valley faculty members under Title VII, the ADA, and the FMLA. The court grants dismissal of the individual defendants from the ADA and FMLA claims based on Eleventh Amendment immunity, while denying dismissal of the plaintiffs’ Title VII gender and national-origin discrimination claims and granting dismissal of their Title VII retaliation claims. The opinion addresses pleading standards under Rules 12(b)(1) and 12(b)(6), the Ex parte Young exception, and the distinction between pleading requirements and the McDonnell Douglas framework.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, McAllen Division
WRITING FOR THE COURT	Drew B. Tipton
JURISDICTION	United States District Court for the Southern District of Texas, McAllen Division
DECIDED	March 30, 2026
DOCKET	Civil Action No. 7:24-CV-00423
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss Plaintiffs' Second Amended Complaint asserting Title VII, ADA, and FMLA claims.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the court accepts well-pleaded factual allegations as true and dismisses when the plaintiff fails plausibly to allege all jurisdictional elements; when combined with other Rule 12 motions, the jurisdictional challenge is considered first. On a Rule 12(b)(6) motion, the court accepts factual allegations as true, views

them in the light most favorable to the plaintiff, and evaluates whether the complaint states a plausible claim for relief under Rules 8(a)(2) and 12(b)(6).

PRECEDENTIAL VALUE

unknown

TOPICS

motions to dismiss

title vii

employment discrimination

ada / disability

family and medical leave act

PRACTICE AREAS

employment law

civil rights

disability discrimination

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the ADA and FMLA claims against the individual defendants in their official capacities were barred by Eleventh Amendment immunity because the complaint failed to allege that those defendants had authority to reinstate Plaintiffs.
2. Whether Plaintiffs plausibly pleaded Title VII gender and national-origin disparate-treatment claims against UTRGV without establishing a prima facie case under the McDonnell Douglas framework at the motion-to-dismiss stage.
3. Whether Plaintiffs plausibly pleaded Title VII retaliation claims by alleging protected activity, an adverse employment action, and a causal connection between the two.

HOLDINGS

1. The ADA and FMLA claims against the individual defendants in their official capacities were barred by Eleventh Amendment immunity because the complaint did not specifically allege that any individual defendant had authority to reinstate Plaintiffs or otherwise enforce the relevant laws prospectively.
2. Plaintiffs plausibly alleged Title VII disparate-treatment claims based on gender and national origin. At the Rule 12(b)(6) stage, they were not required to establish a prima facie case under the McDonnell Douglas framework; allegations of adverse employment actions taken at least partly because of protected characteristics were sufficient.
3. Plaintiffs failed to state plausible Title VII retaliation claims. Gandaria's July 2023 email plausibly constituted protected activity, but the nearly year-long interval before her May 2024 non-reappointment and the absence of allegations connecting the adverse action to that complaint defeated causation. Orta's complaints and Gandaria's and Reyes's negative evaluations were not sufficiently specific to constitute protected activity.

KEY QUOTATIONS

“At the Rule 12(b)(6) stage, [a court’s] analysis of [a] Title VII claim is governed by Swierkiewicz v. Sorema N.A., 534 U.S. 506, 122 S.Ct. 992, 152 L.Ed.2d 1 (2002)—and not the evidentiary standard set forth in McDonnell Douglas Corp. v. Green” (§ III.B.1)

“They “need only plausibly allege facts going to the ultimate elements of the claim to survive a motion to dismiss.”” (§ III.B.2)

“Plaintiffs Gandaria and Reyes’s ADA and FMLA claims against the individual Defendants are DISMISSED without prejudice.” (§ IV)

FACTUAL BACKGROUND

Plaintiffs were former faculty members or employees of UTRGV's School of Social Work and alleged that their supervisor subjected them to gender- and national-origin-based hostility, including remarks concerning women and Mexican or Reynosa accents. They also alleged underpayment, complaints to university officials, medical leave and disability-related circumstances, and adverse employment actions including termination or non-reappointment. Plaintiffs asserted Title VII claims against UTRGV and ADA and FMLA claims against individual defendants in their official capacities.

PROCEDURAL HISTORY

Plaintiffs filed suit after their employment with the University of Texas-Rio Grande Valley ended through termination or non-reappointment. They amended their complaint twice. UTRGV and the individual defendants separately moved to dismiss the Second Amended Complaint. The court granted the individual defendants' motion, granted UTRGV's motion as to the Title VII retaliation claims, denied it as to the Title VII gender and national-origin discrimination claims, and permitted amendment.

DISPOSITION

other

CASES CITED

- White v. U.S. Corrs., LLC, 996 F.3d 302, 306-07 (5th Cir. 2021)
- Carver v. Atwood, 18 F.4th 494, 496 (5th Cir. 2021)
- Brownback v. King, 592 U.S. 209, 217, 141 S.Ct. 740, 749, 209 L.Ed. 2d 33 (2021)
- Ghedi v. Mayorkas, 16 F.4th 456, 463 (5th Cir. 2021)
- Dickson v. United States, Dickson v. United States, 11 F.4th 308, 312 (5th Cir. 2021)
- D&G Holdings, LLC v. Becerra, 22 F.4th 470, 474 (5th Cir. 2022)
- Ramming v. United States, 281 F.3d 158, 161 (5th Cir. 2001)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 129 S.Ct. 1937, 1949, 173 L.Ed.2d 868 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570, 127 S.Ct. 1955, 1964-65, 1974, 167 L.Ed.2d 929 (2007)
- Flores v. Morehead Dotts Rybak, Inc., No. 2:21-CV-00265, 2022 WL 4740076, at *2 (S.D. Tex. 2022)
- Montoya v. FedEx Ground Package Sys., Inc., 614 F.3d 145, 148 (5th Cir. 2010)
- Ex parte Young, 209 U.S. 123, 157-58, 28 S.Ct. 441, 452-53, 52 L.Ed. 714 (1908)
- Union Pac. R.R. v. La. Pub. Serv. Comm'n, 662 F.3d 336, 340 (5th Cir. 2011)
- Lapidus v. Bd. of Regents, 535 U.S. 613, 616, 122 S.Ct. 1640, 1642, 152 L.Ed.2d 806 (2002)

- *Henley v. Simpson*, 527 F.App'x 303, 305 (5th Cir. 2013)
- *Edelman v. Jordan*, 415 U.S. 651, 664, 94 S.Ct. 1347, 1356, 39 L.Ed.2d 662 (1974)
- *Nelson v. Univ. of Tex. at Dallas*, 535 F.3d 318, 322 (5th Cir. 2008)
- *Warnock v. Pecos County*, 88 F.3d 341 (5th Cir. 1996)
- *United States v. Abbott*, 85 F.4th 328, 333-36 (5th Cir. 2023)
- *Smith v. Univ. of Tex. at San Antonio*, No. 5:23-CV-00538, 2024 WL 4256461, at *8-9 (W.D. Tex. Aug. 21, 2024)
- *Morris v. Livingston*, 739 F.3d 740, 746 (5th Cir. 2014)
- *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 122 S.Ct. 992, 152 L.Ed. 2d 1 (2002)
- *Olivarez v. T-Mobile USA, Inc.*, 997 F.3d 595, 599-600 (5th Cir. 2021)
- *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973)
- *Cicalese v. Univ. of Tex. Med. Branch*, 924 F.3d 762, 766, 768 (5th Cir. 2019)
- *Chhim v. Univ. of Tex. at Austin*, 836 F.3d 467, 470 (5th Cir. 2016) (per curiam)
- *Lee v. Kansas City S. Ry. Co.*, 574 F.3d 253, 259-60 (5th Cir. 2009)
- *Wright v. Union Pac. R.R. Co.*, 990 F.3d 428, 433 (5th Cir. 2021)
- *Raj v. La. State Univ.*, 714 F.3d 322, 331 (5th Cir. 2013)
- *Long v. Eastfield Coll.*, 88 F.3d 300, 304 (5th Cir. 1996)
- *Feist v. Louisiana*, 730 F.3d 450, 454 (5th Cir. 2013)
- *McCoy v. City of Shreveport*, 492 F.3d 551, 562 (5th Cir. 2007) (per curiam)
- *Hamilton v. Dallas County*, 79 F.4th 494 (5th Cir. 2023) (en banc)
- *Clark County School District v. Breeden*, 532 U.S. 268, 273-74, 121 S.Ct. 1508, 1511, 149 L.Ed.2d 509 (2001) (per curiam)
- *Evans v. Houston*, 246 F.3d 344, 354 (5th Cir. 2001)
- *Raggs v. Miss. Power & Light Co.*, 278 F.3d 463, 472 (5th Cir. 2002)
- *Davis v. Dall. Indep. Sch. Dist.*, 448 F.App'x 485, 493 (5th Cir. 2011) (per curiam)
- *Tratree v. BP N. Am. Pipelines, Inc.*, 277 F.App'x 390, 395 (5th Cir. 2008)