

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE

Servando Jordan Delgadillo v. Cumberland University

No. 3:25-cv-00524 · No. 3:25-cv-00524 · Decided January 30, 2026

SUMMARY

This Report and Recommendation addresses Cumberland University’s Rule 12(b)(6) motion to dismiss claims brought by pro se plaintiff Servando Jordan Delgadillo. The magistrate judge recommends dismissal of the plaintiff’s Title IX claims for failure to state a claim and declining supplemental jurisdiction over the remaining state-law claims. The recommendation also rejects the defendant’s request for attorney fees and costs under Tennessee law.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee
WRITING FOR THE COURT	J. Gregory Wehrman, United States Magistrate Judge
JURISDICTION	United States District Court for the Middle District of Tennessee
DECIDED	January 30, 2026
DOCKET	3:25-cv-00524
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint. The Magistrate Judge issued a Report and Recommendation recommending partial dismissal of the federal Title IX claims and dismissal without prejudice of the remaining state-law claims for lack of a continuing basis for supplemental jurisdiction.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and determines whether the complaint states a plausible claim for relief under <i>Ashcroft v. Iqbal</i> and <i>Bell Atlantic Corp. v. Twombly</i> . Legal conclusions, summary allegations, unwarranted factual inferences, factual allegations first raised in a response, and matters outside the pleadings generally are not considered. Pro se pleadings receive liberal construction, but the court may not create claims or supply missing facts.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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PRACTICE AREAS

civil rights

civil procedure

education law

Title IX

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly stated a Title IX discrimination claim based on allegations concerning accusations of harassment, access to messages, and alleged university conduct.
2. Whether the amended complaint plausibly stated a Title IX claim based on alleged wrongful disciplinary action.
3. Whether the amended complaint plausibly stated a Title IX retaliation claim based on the alleged issuance of a do-not-contact order.
4. Whether the court should decline supplemental jurisdiction over the remaining state-law claims after dismissal of all federal claims.
5. Whether Defendant established a basis for an award of attorney fees, costs, and expenses under Tennessee Code Annotated section 20-17-107(a).

HOLDINGS

1. The amended complaint did not plausibly state a Title IX claim because it failed to allege that Cumberland University received federal financial assistance, a threshold requirement for Title IX coverage, and otherwise failed to plead sufficient facts showing sex discrimination.
2. The amended complaint did not plausibly state a Title IX claim based on wrongful disciplinary action.
3. The amended complaint did not plausibly state a Title IX retaliation claim because it did not allege facts showing protected activity or a sufficiently adverse action.
4. The court should decline to exercise supplemental jurisdiction over Plaintiff's remaining state-law claims after dismissal of all claims within the court's original jurisdiction.

KEY QUOTATIONS

“To survive a Rule 12(b)(6) motion, “‘a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (5)

“To be protected by Title IX, a complaint must specifically accuse a recipient of engaging in intentional sex discrimination—a “vague charge of discrimination” isn't enough.” (11)

FACTUAL BACKGROUND

Plaintiff, a student or resident associated with Cumberland University, alleged that university personnel obtained messages through university Wi-Fi, accused him of harassing female students, and discussed the allegations with him in a meeting involving university officials. He also alleged privacy violations, disciplinary action, and issuance of a do-not-contact order after he reported alleged discrimination and other violations. His amended complaint asserted Title IX claims along with twelve state-law claims, but provided limited factual detail and did not allege that Cumberland University received federal financial assistance.

PROCEDURAL HISTORY

Plaintiff filed this pro se action on May 7, 2025, and later filed an amended complaint as of right. The amended complaint asserted Title IX claims and numerous state-law claims. Cumberland University moved to dismiss, Plaintiff opposed, and Defendant replied. The case was referred to the Magistrate Judge for pretrial proceedings, and no scheduling order had been entered before the motion was considered.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The Report and Recommendation recommends dismissing the Title IX claims and dismissing the state-law claims without prejudice to Plaintiff's ability to pursue them in state court.

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Lutz v. Chesapeake Appalachia, L.L.C., 717 F.3d 459, 464 (6th Cir. 2013)
- Mitchell v. McNeil, 487 F.3d 374, 379 (6th Cir. 2007)
- Doe v. Miami Univ., 882 F.3d 579, 588-89 (6th Cir. 2018)
- Doe v. Baum, 903 F.3d 575, 581 (6th Cir. 2018)
- Mixon v. Ohio, 193 F.3d 389, 400 (6th Cir. 1999)
- Lillard v. Shelby Cty. Bd. of Educ., 76 F.3d 716, 726 (6th Cir. 1996)
- Boswell v. Mayer, 169 F.3d 384, 387 (6th Cir. 1999)
- Thompson v. A.J. Rose Mfg. Co., 208 F.3d 215 (6th Cir. 2000)
- Bates v. Green Farms Condo. Ass'n, 958 F.3d 470, 483 (6th Cir. 2020)
- Laporte v. City of Nashville, 2019 WL 845413, at *3 (M.D. Tenn. Feb. 21, 2019)
- Orea Energy Group, LLC v. East Tennessee Consultants, Inc., 2009 WL 3246853, at *3 (E.D. Tenn. Oct. 6, 2009)
- Qiu v. Bd. of Educ. of Bowling Green Indep. Schs., KY, 2024 WL 5510330, at *2 (6th Cir. Dec. 23, 2024)
- Bonnell v. Lorenzo, 241 F.3d 800, 810 n.6 (6th Cir. 2001)
- Klemencic v. Ohio St. Univ., 263 F.3d 504, 510 (6th Cir. 2001)

- Doe v. Vanderbilt Univ., No. 3:18-CV-00569, 2019 WL 4748310, at *6 (M.D. Tenn. Sept. 30, 2019)
- Jackson v. Birmingham Bd. of Educ., 544 U.S. 167, 174 (2005)
- Doe v. Belmont Univ., 367 F. Supp. 3d 732, 757-58 (M.D. Tenn. 2019)
- Goldblum v. Univ. of Cincinnati, 62 F.4th 244, 253 (6th Cir. 2023)
- Booker v. Brown & Williamson Tobacco Co., 879 F.2d 1304, 1313 (6th Cir. 1989)
- Gordon v. Traverse City Area Pub. Schs., 686 F. App'x 315, 320 (6th Cir. 2017)
- McNally v. Univ. of Hawaii, 780 F. Supp. 2d 1037, 1052 (D. Haw. 2011)
- Brooks v. Rothe, 577 F.3d 701, 709 (6th Cir. 2009)
- Packard v. Farmers Ins. Co. of Columbus Inc., 423 F. App'x 580, 584 (6th Cir. 2011)
- Lyndon's LLC v. City of Detroit, Michigan, 2024 WL 3427176, at *3 (6th Cir. 2024)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

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