

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, AMARILLO DIVISION

Jorge Grado v. Dimmitt Police Department, et al.

Grado · No. 2:24-CV-147-Z-BR · Decided November 21, 2025

SUMMARY

In this Findings, Conclusions and Recommendation, the U.S. Magistrate Judge recommends granting Defendant Anyssa Enriquez’s motion for summary judgment in Jorge Grado’s § 1983 action. The recommendation concludes that Grado failed to exhaust the Castro County Jail’s available administrative remedies concerning his alleged denial of medical care and recommends dismissal of his claims against Enriquez without prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Amarillo Division
WRITING FOR THE COURT	Lee Ann Reno
JURISDICTION	United States District Court for the Northern District of Texas, Amarillo Division
DECIDED	November 21, 2025
DOCKET	2:24-CV-147-Z-BR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff Jorge Grado brought claims under 42 U.S.C. § 1983, including excessive-force claims against other defendants and a claim against Defendant Anyssa Enriquez for allegedly failing to provide medical care. Enriquez moved for summary judgment based on failure to exhaust administrative remedies and, alternatively, qualified immunity. The magistrate judge recommends granting the motion and dismissing Grado's claims against Enriquez without prejudice.
STANDARD OF REVIEW	Summary judgment is proper when the pleadings, discovery materials, and affidavits show no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court must resolve reasonable doubts in favor of the nonmovant, may not weigh evidence or make credibility determinations, and may not grant summary judgment solely because the motion is unopposed. A

prisoner asserting a § 1983 claim must exhaust available administrative remedies before filing suit.

PRECEDENTIAL VALUE

nonprecedential

TOPICS

summary judgment

section 1983

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

civil rights litigation

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Enriquez was entitled to summary judgment because Grado failed to exhaust available administrative remedies before filing his § 1983 claim.
2. Whether the absence of a response to the summary-judgment motion permitted judgment by default.
3. Whether the court needed to reach Enriquez's alternative qualified-immunity defense.

HOLDINGS

1. The PLRA requires a prisoner to exhaust available administrative remedies before filing an action concerning prison conditions under § 1983, and Grado failed to properly exhaust the Castro County Jail grievance process before filing suit.
2. A court may not grant summary judgment solely because the nonmoving party failed to respond; the movant must independently establish entitlement to judgment as a matter of law.

KEY QUOTATIONS

“A motion for summary judgment cannot be granted simply because there is no opposition, even if failure to oppose violated a local rule.” (Section II.B)

“The only “textual exception to mandatory exhaustion” in the PLRA is if administrative remedies are unavailable.” (Section III.A)

“The undisputed evidence shows that Grado failed to exhaust his administrative remedies in connection with the claims brought in this case; accordingly, his claims against Enriquez should be dismissed without prejudice.” (Section III.B)

FACTUAL BACKGROUND

On September 15, 2022, officers handcuffed Grado at a high school football game, and he complained repeatedly that the handcuffs were causing tingling, pain, and swelling in his right wrist. After he was transported to the Castro County Jail, Grado told Enriquez that his hand was injured and allegedly received no medical care from her. While detained, Grado filed one grievance concerning food temperature and alleged denial of medical attention, but he did not pursue the second and third steps of the jail's grievance procedure.

PROCEDURAL HISTORY

Grado filed suit on January 11, 2024. His claims against Enriquez and other defendants survived screening, and the defendants were ordered to answer. Enriquez moved for summary judgment; Grado did not respond. The magistrate judge concluded that the undisputed evidence established failure to exhaust available administrative remedies before filing suit and recommended dismissal without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the district judge grant Enriquez's motion for summary judgment and dismiss Grado's claims against her without prejudice.

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 327 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48, 257 (1986)
- Casey Enterprises, Inc. v. American Hardware Mutual Insurance Co., 655 F.2d 598, 602 (5th Cir. 1981)
- Fontenot v. Upjohn Co., 780 F.2d 1190, 1194 (5th Cir. 1986)
- Moayeddi v. Compaq Computer Corp., 98 F. App'x 335, 338 (5th Cir. 2004)
- United States v. Lawrence, 276 F.3d 193, 197 (5th Cir. 2001)
- Turner v. Baylor Richardson Medical Center, 476 F.3d 337, 343 (5th Cir. 2007)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ogbodiegwu v. Wackenhut Correction Corp., 202 F.3d 265, 1999 WL 1131884, at *2 (5th Cir. Nov. 10, 1999)
- Yazdchi v. American Honda Finance Corp., 217 F. App'x 299, 304 (5th Cir. 2007)
- Hulsey v. Texas, 929 F.2d 168, 171 (5th Cir. 1991)
- Boyd v. Family Dollar Stores of Texas, LLC, No. 3:22-cv-1368-D, 2023 WL 4141052, at *1 (N.D. Tex. June 22, 2023)
- John v. Louisiana (Board of Trustees) for State Colleges & Universities, 757 F.2d 698, 708-09 (5th Cir. 1985)
- Hibernia National Bank v. Administracion Central Sociedad Anonima, 776 F.2d 1277, 1279 (5th Cir. 1985)
- Hetzel v. Bethlehem Steel Corp., 50 F.3d 360, 362 & n.3 (5th Cir. 1995)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Ross v. Blake, 578 U.S. 632, 639-42 (2016)
- Jones v. Bock, 549 U.S. 199, 211 (2007)
- Booth v. Churner, 532 U.S. 731, 736 & n.6 (2001)
- Wilson v. Epps, 776 F.3d 296, 299-300 (5th Cir. 2015)
- Nottingham v. Finsterwald, 582 F. App'x 297, 297-98 (5th Cir. 2014)

- Dillon v. Rogers, 596 F.3d 260, 272-73 (5th Cir. 2010)
- Gonzalez v. Seal, 702 F.3d 785, 788 (5th Cir. 2012)
- Covarrubias v. Foxworth, No. 6:13-CV-812, 2017 WL 1159767, at *3 (E.D. Tex. Mar. 29, 2017)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)
- ACS Recovery Services, Inc. v. Griffin, 676 F.3d 512, 521 n.5 (5th Cir. 2012)
- Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988)

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