

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Guoqing Chen v. Dianne Durham and Akinlolu O. Ojo

Chen · No. No. 25-2402-KHV · Decided March 6, 2026

SUMMARY

The United States District Court for the District of Kansas considers defendants’ motion to dismiss a pro se plaintiff’s claims under 42 U.S.C. § 1983 arising from post-tenure reviews at the University of Kansas School of Medicine. The opinion addresses Eleventh Amendment immunity, procedural due process, equal protection, substantive due process, and qualified immunity. The court dismisses the substantive due process claim with prejudice and dismisses the official-capacity claim seeking disclosure of post-tenure review reports for lack of subject-matter jurisdiction; the provided text does not include the complete disposition of all claims.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Kathryn H. Vratil
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 6, 2026
DOCKET	No. 25-2402-KHV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 alleging procedural due process and equal protection violations arising from post-tenure reviews at the University of Kansas School of Medicine. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and defendant Durham also asserted qualified immunity.
STANDARD OF REVIEW	For a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject-matter jurisdiction, and the court may consider whether the complaint's allegations establish jurisdiction. For a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and asks whether they plausibly show an entitlement to relief. Qualified immunity requires determining whether the plaintiff plausibly alleged a constitutional violation and, if so, whether the right was clearly established.
PRECEDENTIAL VALUE	unpublished

PARTIES

Guoqing Chen v. Dianne Durham, Akinlolu O. Ojo

TOPICS

motions to dismiss

section 1983

procedural due process

equal protection

eleventh amendment immunity

PRACTICE AREAS

constitutional law

civil rights

employment law

civil procedure

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the Eleventh Amendment barred Chen's official-capacity claim seeking disclosure of the post-tenure-review committee reports.
2. Whether Chen plausibly alleged a procedural due process violation based on the triggered reviews, withheld reports, denial of an adviser, negative personnel evaluations, and alleged effects on his tenured employment.
3. Whether Chen plausibly alleged a class-of-one equal protection claim based on allegedly inconsistent enforcement of post-tenure-review policies against public employees.
4. Whether Chen's passing references to substantive due process stated a claim or resulted in abandonment of that claim.
5. Whether Durham was entitled to qualified immunity on Chen's individual-capacity claims.

HOLDINGS

1. The Eleventh Amendment barred Chen's official-capacity claim seeking an order compelling disclosure of the 2023 and 2025 post-tenure-review reports because that relief sought to redress completed past harm rather than prevent an ongoing violation through prospective relief.
2. To the extent Chen intended to assert a substantive due process claim, he abandoned it by failing to respond to defendants' argument for dismissal, and the court dismissed it with prejudice.
3. Chen failed to state a procedural due process claim because he remained a tenured professor and did not allege that defendants had taken steps to terminate his employment or otherwise deprived him of a protected property interest.
4. Chen failed to state a class-of-one equal protection claim because the Supreme Court has held that the class-of-one theory does not apply to public employment decisions, and Chen did not allege discrimination based on membership in a protected class.
5. Durham was entitled to qualified immunity on Chen's individual-capacity claims because Chen failed to plausibly allege a violation of a constitutional right.

KEY QUOTATIONS

“an entitlement to nothing but procedure cannot be the basis for a property interest”

“a continuing effect of a past violation is not sufficient to warrant prospective injunctive relief.”

FACTUAL BACKGROUND

Chen was a tenured professor at the University of Kansas Medical Center. After receiving a needs-improvement assessment, he was subjected to a triggered post-tenure review, which resulted in unsatisfactory findings, remediation, and a follow-up review. Chen alleged that Durham withheld full post-tenure-review committee reports and denied him an academic adviser at remediation meetings, while Ojo approved or continued the reviews. He also alleged that defendants treated him differently from a similarly situated tenured faculty member who had received two unsatisfactory assessments but was not subjected to a triggered review.

PROCEDURAL HISTORY

Chen filed an original complaint and then a second amended complaint seeking declaratory, injunctive, and monetary relief. Defendants moved to dismiss the second amended complaint. The court sustained the motion, dismissing the official-capacity claim seeking disclosure of the post-tenure-review reports for lack of subject-matter jurisdiction, dismissing the substantive due process, procedural due process, and equal protection claims for failure to state a claim, and dismissing the individual-capacity claims against Durham based on qualified immunity.

DISPOSITION

dismissed

CASES CITED

- C1.G ex rel. C.G. v. Siegfried, 38 F.4th 1270, 1282 (10th Cir. 2022)
- James v. Wadas, 724 F.3d 1312, 1315 (10th Cir. 2013)
- Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005)
- Marcus v. Kansas Department of Revenue, 170 F.3d 1305, 1309 (10th Cir. 1999)
- Basso v. Utah Power & Light Co., 495 F.2d 906, 909 (10th Cir. 1974)
- Castaneda v. INS, 23 F.3d 1576, 1580 (10th Cir. 1994)
- Scheideman v. Shawnee County Board of County Commissioners, 895 F. Supp. 279, 280 (D. Kan. 1995)
- Jensen v. Johnson County Youth Baseball League, 838 F. Supp. 1437, 1439–40 (D. Kan. 1993)
- United States v. Spectrum Emergency Care, Inc., 190 F.3d 1156, 1160 (10th Cir. 1999)
- Laufer v. Looper, 22 F.4th 871, 875 (10th Cir. 2022)
- Baker v. USD 229 Blue Valley, Baker v. USD 229 Blue Valley, 979 F.3d 866, 872 (10th Cir. 2020)
- Steadfast Insurance Co. v. Agricultural Insurance Co., 507 F.3d 1250, 1252 (10th Cir. 2007)
- Kentucky v. Graham, 473 U.S. 159, 166 (1985)
- Williams v. Utah Department of Corrections, 928 F.3d 1209, 1212 (10th Cir. 2019)
- K.A. v. Barnes, 134 F.4th 1067, 1077 (10th Cir. 2025)
- Seminole Tribe v. Florida, 517 U.S. 44, 54 (1996)

- Hartman v. Golden Eagle Casino, Inc., 243 F. Supp. 2d 1200, 1202 (D. Kan. 2003)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–80 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555–57 (2007)
- United States v. Herring, 935 F.3d 1102, 1110 (10th Cir. 2019)
- Robbins v. Oklahoma, 519 F.3d 1242, 1248 (10th Cir. 2008)
- Hill v. Kemp, 478 F.3d 1236, 1255–56 (10th Cir. 2007)
- Odhuno v. Reed's Cove Health & Rehabilitation, LLC, 355 F. Supp. 3d 1026, 1050 (D. Kan. 2018)
- Buchheit v. Green, 705 F.3d 1157, 1159 (10th Cir. 2013)
- Mathews v. Eldridge, 424 U.S. 319, 332 (1976)
- Farthing v. City of Shawnee, Kansas, 39 F.3d 1131, 1135 (10th Cir. 1994)
- Teigen v. Renfrow, 511 F.3d 1072, 1079, 1081 (10th Cir. 2007)
- Heublein v. Wefald, 784 F. Supp. 2d 1186, 1194 (D. Kan. 2011)
- Kan. Penn Gaming, LLC v. Collins, 656 F.3d 1210, 1215–16 (10th Cir. 2011)
- Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000)
- Pignanelli v. Pueblo School District No. 60, 540 F.3d 1213, 1220 (10th Cir. 2008)
- Engquist v. Oregon Department of Agriculture, 553 U.S. 591, 598 (2008)
- Frey v. Town of Jackson, Wyoming, 41 F.4th 1223, 1232, 1235 (10th Cir. 2022)