

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Paula Crockett v. Genter Drummond, Oklahoma Attorney General,
et al.

Crockett · No. CIV-25-697-G · Decided February 12, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma granted Walgreens Store #4673’s motion to dismiss Paula Crockett’s claims without prejudice. The court held that Walgreens, a general retail establishment, was not plausibly alleged to be a place of public accommodation under Title II of the Civil Rights Act of 1964, and that Walgreens was not acting under color of state law for purposes of 42 U.S.C. § 1983.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Charles B. Goodwin
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	February 12, 2026
DOCKET	CIV-25-697-G
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Walgreens Store #4673 moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's Title II and 42 U.S.C. § 1983 claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and views them in the light most favorable to the plaintiff. The complaint must contain sufficient factual matter to state a claim that is plausible on its face; bare legal conclusions are not entitled to an assumption of truth. The court also considered dismissal under Rule 12(h)(3) because the under-color-of-state-law element is a jurisdictional requisite for a § 1983 action.
PRECEDENTIAL VALUE	Unknown

TOPICS

motions to dismiss

section 1983

civil rights

state action

civil procedure

PRACTICE AREAS

civil rights

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly stated a Title II claim against Walgreens by alleging discriminatory treatment at a retail pharmacy.
2. Whether Plaintiff plausibly alleged that Walgreens or its employees acted under color of state law for purposes of 42 U.S.C. § 1983.

HOLDINGS

1. Plaintiff failed to state a Title II claim because the complaint did not plausibly allege that Walgreens was a place of public accommodation within the meaning of 42 U.S.C. § 2000a. A general retail establishment is not covered unless it incorporates a facility principally engaged in selling food for consumption on the premises.
2. Plaintiff failed to state a § 1983 claim because the complaint alleged conduct by a privately owned Walgreens and did not plausibly show that Walgreens or its employees acted under color of state law.

KEY QUOTATIONS

“to withstand a Rule 12(b)(6) motion to dismiss, a complaint must contain enough allegations of fact, taken as true, ‘to state a claim to relief that is plausible on its face.’” (Section II)

“The traditional definition of acting under color of state law requires that the defendant in a § 1983 action exercised power possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.” (Section III.B)

“Plaintiff’s claims against this Defendant are DISMISSED without prejudice.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff visited Walgreens Store #4673 in Warr Acres, Oklahoma, on February 24, 2024, and attempted to purchase laundry detergent advertised for \$1.99. Employees allegedly refused to honor the sale price, told Plaintiff the sale began the next day, treated her rudely, and made her wait an extended period to complete her purchase. Plaintiff alleged that she was the only Black person in the store and that employees treated White customers cordially. She asserted claims under Title II of the Civil Rights Act of 1964 and 42 U.S.C. § 1983, seeking compensatory and punitive damages.

PROCEDURAL HISTORY

Plaintiff Paula Crockett, proceeding pro se, initiated the action on June 23, 2025, against three defendants. Walgreens moved to dismiss, Plaintiff responded, and Walgreens replied. The court granted Walgreens's motion and dismissed the claims against Walgreens without prejudice.

DISPOSITION

dismissed

CASES CITED

- Burnett v. Mortgage Electronic Registration Systems, Inc., 706 F.3d 1231, 1235 (10th Cir. 2013)
- Khalik v. United Air Lines, 671 F.3d 1188, 1190 (10th Cir. 2012)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Cox v. McCarthy, 2023 WL 8190710, at *2 (W.D. Okla. Nov. 27, 2023)
- Tart v. Five Below, LLC, 2023 WL 6628721, at *2 (N.D. Okla. Oct. 11, 2023)
- Priddy v. Shopko Corp., 918 F. Supp. 358, 359 (D. Utah 1995)
- Jackson v. Walgreens Co., 2016 WL 4212258, at *2 (D. Minn. Aug. 10, 2016)
- Bell v. CVS Pharmacy, 2025 WL 1411084, at *3 (D.D.C. May 15, 2025)
- Big Cats of Serenity Springs, Inc. v. Rhodes, 843 F.3d 853, 869 (10th Cir. 2016)
- Gallagher v. Neil Young Freedom Concert, 49 F.3d 1442, 1447 (10th Cir. 1995)
- West v. Atkins, 487 U.S. 42, 48-49 (1988)
- NCAA v. Tarkanian, 488 U.S. 179, 191 (1988)
- Lugar v. Edmondson Oil Co., 457 U.S. 922, 937 (1982)
- American Manufacturers Mutual Insurance Co. v. Sullivan, 526 U.S. 40, 50 (1999)
- Polk County v. Dodson, 454 U.S. 312, 315 (1981)

OPINION

Crockett

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

PAULA CROCKETT,)

) Plaintiff,)) v.) Case No. CIV-25-697-G) GENTER DRUMMOND, Oklahoma) Attorney
General, et al.,)) Defendants.)

ORDER

Plaintiff Paula Crockett, appearing pro se, initiated this civil action on June 23, 2025, raising claims against three defendants. See Compl. (Doc. No. 1); see also Pl.’s Suppl. (Doc. No. 4). Now before the Court is Defendant Walgreens Store #4673’s (“Walgreens”) Motion to Dismiss (Doc. No. 12), seeking dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff has filed a Response (Doc. No. 13), and Defendant has replied (Doc. No. 14). I. Plaintiff’s Allegations As relevant here, Plaintiff’s Complaint alleges that on February 24, 2024, Plaintiff visited Walgreens Store #4673 in Warr Acres, Oklahoma. See Compl. at 6. Plaintiff alleges that

while at the store she attempted to purchase a product (laundry detergent) that was advertised to be on sale for \$1.99. See *id.*; *id.* Ex. 1 (Doc. No. 1-1) at 3. When Plaintiff asked two employees about the product, they informed her that the sale would not start until the next day, which “was a deliberate lie,” and refused to honor the sale price. Compl. Ex. 10 (Doc. No. 1-10) at 1; see Compl. at 4. The store’s employees also were rude and made Plaintiff wait for an extended period of time to ring up her purchase. See Compl. at 4, 6. Plaintiff alleges that she was “the only Black person in the store at that time” and that the employees “exhibited normal, cordial behavior toward the other customers in the store that day, who happened to be White.” Compl. Ex. 3 (Doc. No. 1-3) at 1. Based on the “discriminatory treatment” Plaintiff experienced, Plaintiff brings civil rights claims pursuant to Title II of the Civil Rights of 1964, 42 U.S.C. § 2000a, and 42 U.S.C. § 1983. Compl. at 3, 7. Plaintiff alleges that the incident at Walgreens and her related efforts for relief have severely impacted her health and caused her emotional distress. See *id.* at 4, 7. The Complaint requests an award of compensatory damages, as well as punitive damages. See *id.* at 4-5. II. Relevant Standard Walgreens seeks dismissal of Plaintiff’s claims pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. In analyzing a motion to dismiss under Rule 12(b)(6), the court “accept[s] as true all well-pleaded factual allegations in the complaint and view[s] them in the light most favorable to the plaintiff.” *Burnett v. Mortg. Elec. Registration Sys., Inc.*, 706 F.3d 1231, 1235 (10th Cir. 2013). “[T]o withstand a Rule 12(b)(6) motion to dismiss, a complaint must contain enough allegations of fact, taken as true, ‘to state a claim to relief that is plausible on its face.’” *Khalik v. United Air Lines*, 671 F.3d 1188, 1190 (10th Cir. 2012) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A complaint fails to state a claim on which relief may be granted when it lacks factual allegations sufficient “to raise a right to relief above the speculative level on the assumption that all the allegations in the complaint are true (even if doubtful in fact).” *Twombly*, 550 U.S. at 555 (footnote and citation omitted). Bare legal conclusions in a complaint are not entitled to the assumption of truth; “they must be supported by factual allegations” to state a claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). III. Discussion A. Plaintiff’s Title II Claim Plaintiff’s cited statute, 42 U.S.C. § 2000a, “protects an individual’s ‘full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation’ free of discrimination based on race, color, religion, or national origin.” *Cox v. McCarthy*, No. CIV-23-502-D, 2023 WL 8190710, at *2 (W.D. Okla. Nov. 27, 2023) (internal quotation marks omitted) (quoting 42 U.S.C. § 2000a(a)). Walgreens argues that Plaintiff fails to state a Title II claim upon which relief can be granted because she fails to plausibly allege that Walgreens is a “place of public accommodation” subject to the requirements of the statute. See Def.’s Mot. to Dismiss at 5-7. A “place of public accommodation,” for purposes of § 2000a, specifically includes restaurants, cafeterias, soda fountains, facilities principally engaged in “selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station,” so long as the

operation affects commerce or engages in discrimination or segregation in a manner that is supported by State action. [42 U.S.C. § 2000a(b).] Retail establishments are not encompassed by the definition of “place of public accommodation” unless they incorporate a facility that sells food for on-site consumption. [Id. § 2000a(b)(2).] *Tart v. Five Below, LLC*, No. 22-CV-176, 2023 WL 6628721, at *2 (N.D. Okla. Oct. 11, 2023). “[F]ederal courts have long held that general retail establishments are not ‘places of public accommodation’” for purposes of a Title II claim. *Id.*; see, e.g., *Priddy v. Shopko Corp.*, 918 F. Supp. 358, 359 (D. Utah 1995); see also *Jackson v. Walgreens Co.*, No. 16- 0398, 2016 WL 4212258, at *2 (D. Minn. Aug. 10, 2016); *Bell v. CVS Pharmacy*, No. 25- 128, 2025 WL 1411084, at *3 (D.D.C. May 15, 2025). Plaintiff does not address this argument in her Response or point to any allegations that, if true, “would permit a fact-finder to conclude that [Walgreens] is a place of public accommodation,” rather than a retail store or “retail . . . pharmacy . . . not covered under Title II.” *Tart*, 2023 WL 6628721, at *2; *Bell*, 2025 WL 1411084, at *3. It follows that, even liberally construed, the Complaint fails to plausibly state a claim under Title II against Walgreens. B. Plaintiff’s 42 U.S.C. § 1983 Claim Section 1983 “provides a remedy against state actors who violate a federal right, pursuant to state authority.” *Big Cats of Serenity Springs, Inc. v. Rhodes*, 843 F.3d 853, 869 (10th Cir. 2016); accord *Gallagher v. Neil Young Freedom Concert*, 49 F.3d 1442, 1447 (10th Cir. 1995) (“[T]he only proper defendants in a [§] 1983 claim are those who represent the state in some capacity.” (alteration and internal quotation marks omitted)). Plaintiff therefore must show that Walgreens was acting “under color of state law.” *West v. Atkins*, 487 U.S. 42, 48 (1988). “The traditional definition of acting under color of state law requires that the defendant in a § 1983 action exercised power possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.” *Id.* at 49 (internal quotation marks omitted). Walgreens argues that dismissal of Plaintiff’s 42 U.S.C. § 1983 claim is required because Walgreens is not subject to liability under that statute. See Def.’s Mot. to Dismiss at 8-9.1 The Court agrees. Reasonably construed, the allegations of Plaintiff’s Complaint establish that Plaintiff visited and sought to purchase items at Walgreens, a privately owned entity. Taken as true, these factual allegations do not plausibly reflect that Walgreens or its employees acted under color of state law pursuant to any of the tests recognized by the Tenth Circuit. See Compl. at 4, 6-7; *Gallagher*, 49 F.3d at 1447. And Plaintiff’s argument that Walgreens’ employees were “acting and working under the color of law in the state of Oklahoma” likewise does not plausibly show that Walgreens “represent[s] [the State] in some capacity,” such that Walgreens’ conduct was “fairly attributable to the State.” Pl.’s Resp. at 1; *NCAA v. Tarkanian*, 488 U.S. 179, 191 (1988); *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937 (1982); see *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999) (“[T]he under-color-of-state-law element of § 1983 excludes from its reach merely private conduct, no matter how discriminatory or wrongful.” (internal quotation marks omitted)). Accordingly, Plaintiff’s claim seeking relief under 42 U.S.C. § 1983 must be dismissed as to Walgreens. 1 Although Walgreens invokes Federal Rule of Civil Procedure 12(b)(6), the showing that the defendant was acting under

color of law is “a jurisdictional requisite for a § 1983 action.” Polk Cnty. v. Dodson, 454 U.S. 312, 315 (1981). The Court therefore considers whether dismissal is required pursuant to Federal Rule of Civil Procedure 12(h)(3).

CONCLUSION

For the foregoing reasons, Defendant Walgreens Store #4673’s Motion to Dismiss (Doc. No. 10) is GRANTED. Plaintiff’s claims against this Defendant are DISMISSED without prejudice. IT IS SO ORDERED this 12th day of February, 2026.

CHARLES B. GOODWIN

United States District Judge