

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)