

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS

Raul Gerardo Favela, Jr. v. Bryan Collier, et al.

Favela v. Collier · No. 9:19-CV-93 · Decided March 18, 2026

SUMMARY

The United States District Court for the Eastern District of Texas overruled defendants’ objections and adopted the magistrate judge’s report and recommendation in Raul Gerardo Favela, Jr.’s 42 U.S.C. § 1983 action. The court held that genuine disputes of material fact existed regarding whether prison officials knew Favela faced a substantial risk of serious harm and failed to take reasonable measures to protect him from an inmate attack. The court denied defendants’ motions for summary judgment based on qualified immunity.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas
WRITING FOR THE COURT	Marcia A. Crone
JURISDICTION	United States District Court for the Eastern District of Texas
DECIDED	March 18, 2026
DOCKET	9:19-CV-93
DISPOSITION	other
PROCEDURAL POSTURE	Defendants objected to a magistrate judge's report and recommendation recommending denial of two defense motions for summary judgment based on qualified immunity. The district court conducted de novo review, overruled the objections, adopted the report and recommendation, and denied the motions for summary judgment.
STANDARD OF REVIEW	De novo review of defendants' objections to the magistrate judge's report and recommendation; summary judgment is unavailable where a genuine dispute of material fact exists, and qualified immunity requires consideration of whether the plaintiff alleged a constitutional violation and whether the right was clearly established.
PRECEDENTIAL VALUE	unpublished

TOPICS

- prisoners rights
- section 1983
- qualified immunity
- summary judgment
- cruel and unusual punishment

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment based on qualified immunity on Favela's claim that they failed to protect him from a substantial risk of serious harm posed by another inmate.
2. Whether the record contained a genuine dispute of material fact concerning defendants' knowledge of the risk and whether they took reasonable measures to abate it.
3. Whether the cases cited by defendants, *Leyba v. Bell* and *Mauldon v. Director, Texas Department of Criminal Justice—Correctional Institutions Division*, required dismissal of Favela's claims.

HOLDINGS

1. Defendants were not entitled to summary judgment based on qualified immunity because Favela presented evidence creating a genuine dispute of material fact as to whether they knew he faced a substantial risk of serious harm and failed to take reasonable measures to abate it, and the right to be protected from violence by fellow inmates was clearly established.
2. The unresolved evidence concerning defendants' receipt of and response to Favela's warning letters precluded dismissal of the claims at the summary-judgment stage.
3. *Leyba* and *Mauldon* did not support summary judgment because *Leyba* involved materially different facts concerning the plaintiff's initiation of the altercation and its connection to prior complaints, while *Mauldon* involved a supervisory-liability theory and generalized, conclusory allegations not present here.

KEY QUOTATIONS

“The letters described by plaintiff, and the lack of information concerning the investigations conducted concerning the letters, are sufficient to establish a genuine dispute of material fact as to whether the defendants were aware plaintiff was subject to a substantial risk of serious harm and failed to take reasonable measures to abate it.” (at 2)

“Accordingly, the objections filed by the defendants in this matter (#69) are OVERRULED. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#68) are correct, and the report of the magistrate judge is ADOPTED.” (at 3)

FACTUAL BACKGROUND

Raul Gerardo Favela, Jr., an inmate in the Texas Department of Criminal Justice, alleged that prison officials failed to protect him from an attack by another inmate. In 2015 and 2016, he sent four letters to one or more defendants stating that he was in danger because he had been labeled a snitch and requesting transfer to another prison unit. On March 20, 2017, he was attacked and severely injured. The record did not disclose how defendants investigated the letters or what conclusions they reached, while Favela submitted letters and an affidavit stating that the attackers were members of a gang he had complained was threatening him.

PROCEDURAL HISTORY

Plaintiff filed a 42 U.S.C. § 1983 action alleging that prison officials failed to protect him from an attack by a fellow inmate. The matter was referred to Magistrate Judge Christine L. Stetson, who recommended denying defendants' two motions for summary judgment. After defendants objected, the district court reviewed the objections de novo, adopted the report and recommendation, and denied the motions.

DISPOSITION

other

CASES CITED

- Longoria v. Texas, 473 F.3d 586, 592 (5th Cir. 2006)
- Farmer v. Brennan, 511 U.S. 825, 847 (1994)
- Leyba v. Bell, No. 6:13cv801, 2017 WL 9288030 (E.D. Tex. Apr. 17, 2017), report and recommendation adopted by Leyba v. Bell, No. 6:13cv801, 2017 WL 3015769 (E.D. Tex. July 17, 2017)
- Mauldon v. Dir., Tex. Dep't of Crim. Just.—Corr. Inst. Div., No. 6:22cv341, 2025 WL 2384064 (E.D. Tex. Mar. 7, 2025), report and recommendation adopted by Mauldon v. Dir., Tex. Dep't of Crim. Just.—Corr. Inst. Div., No. 6:22cv341, 2025 WL 2380716 (E.D. Tex. Aug. 1, 2025)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS RAUL GERARDO FAVELA, JR., § § Plaintiff, § § versus § CIVIL ACTION NO. 9:19-CV-93 § BRYAN COLLIER, et al., § § Defendants. § MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION Plaintiff Raul Gerardo Favela, Jr., an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding pro se, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Richard Alford, Bryan Collier, Brad Livingston and Tommy Haynes.

The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that two motions for summary judgment filed by the defendants be denied.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. The defendants filed objections to the magistrate judge's Report and Recommendation. The court must therefore conduct a de novo review of the objections in relation to the pleadings and the applicable law. Plaintiff alleges the defendants failed to protect him from being attacked by a fellow inmate.

He states that in 2015 and 2016 four letters were written to one or more of the defendants stating he was in danger because he had been labeled as a snitch. The letters asked that plaintiff be transferred to another prison unit.

On March 20, 2017, after the letters were written, plaintiff was attacked by another inmate and severely injured. The defendants sought summary judgment based on qualified immunity. The magistrate judge correctly stated that in order to survive a motion for summary judgment based on qualified immunity, the plaintiff must show: (1) there was a violation of a constitutional right and (2) the right was clearly established at the time of the violation.

The defendants asserted they responded reasonably to the letters described above because investigations were conducted concerning the allegations in the letters.¹ The magistrate judge concluded that as the defendants did not deny the letters were sent or dispute receiving them, and as the record did not reveal how the investigations were conducted or what conclusions were reached, there was a genuine issue of dispute of material fact as to whether the defendants violated a constitutional right.

The magistrate judge further concluded that as the right to be free from violence by other prisoners was clearly established, the defendants were not entitled to dismissal based on qualified immunity. The court agrees with the conclusions of the magistrate judge.

The letters described by plaintiff, and the lack of information concerning the investigations conducted concerning the letters, are sufficient to establish a genuine dispute of material fact as to whether the defendants were aware plaintiff was subject to a substantial risk of serious harm and failed to take reasonable measures to abate it. Further, in 2006 the United States Court of Appeals for the Fifth Circuit stated it was well established that prison officials have a constitutional duty to protect prisoners from violence from fellow inmates.

Longoria v. Texas, 473 F.3d 586, 592 (5th Cir. 2006). In support of their objections, the defendants cite two cases from the Eastern District of Texas, *Leyba v. Bell*, No. 6:13cv801, 2017 WL 9288030 (E.D. Tex. Apr. 17, 2017), report and recommendation adopted by *Leyba v. Bell*, No. 6:13cv801, 2017 WL 3015769 (E.D. Tex. July 17, 2017), and *Mauldon v. Dir., Tex. Dep't of Crim.*

Just.-Corr. Inst. Div., No. 6:22cv341, 2025 WL 2384064 (E.D. Tex. Mar. 7, 2025), report and recommendation adopted by *Mauldon v. Dir., Tex. Dep't of Crim. Just.-Corr. Inst. Div.*, No. 6:22cv341, 2025 WL 2380716 (E.D. Tex. Aug. 1). A prison official acts with deliberate indifference if he knows an inmate faces a substantial risk of serious harm and fails to take reasonable measures to abate it.

Farmer v. Brennan, 511 U.S. 825, 847 (1994). 2 14, 2025). *Leyba* is distinguishable. The defendants assert that in *Leyba*, the altercation at issue in the case was initiated by the plaintiff and

that the evidence demonstrated the altercation was not connected to the plaintiff's prior complaints (#69 at 7).

In the present case, however, the affidavit submitted by plaintiff in response to the motion for summary judgment states he was attacked by a fellow inmate for no reason and that his attackers were part of a gang he had complained was threatening him (#47-2 at 2). Mauldon is also distinguishable.

In that case, the court construed the claim against the defendant as being based on her failure to train and direct subordinate officers, stating "the court understands [the plaintiff] is suing [the defendant] under a supervisory liability theory...." Mauldon, 2025 WL 2384064 at *2.

Here, in contrast, plaintiff is not proceeding under a supervisory liability theory. Instead, he asserts each of the defendants failed to take proper action after being informed he was subject to a substantial risk of serious harm.

Moreover, in Mauldon the court described plaintiff's allegations against the defendant as "generalized and conclusory." Id. 3. Here, plaintiff has filed copies of the letters sent to the defendants which specifically state that plaintiff feared being attacked because he has been labeled a "snitch" (#47-4 at 1-28).

For the reasons set forth above, the defendants have not shown the claims against them should be dismissed based on qualified immunity. Their objections are therefore without merit. ORDER Accordingly, the objections filed by the defendants in this matter (#69) are OVERRULED.

The findings of fact and conclusions of law set forth in the report of the magistrate judge (#68) are correct, and the report of the magistrate judge is ADOPTED. The motions for summary judgment (#s 37 and 40) are DENIED. SIGNED at Beaumont, Texas, this 18th day of March, 2026.
MARCIA A.CRONE- UNITED STATES DISTRICT JUDGE