

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Olga Hernández Padilla v. Gretchen Pérez, et al.

Civil No. 25-1386 (JAG) (D.P.R. May 5, 2026) · No. Civil No. 25-1386 (JAG) · Decided May 5, 2026

SUMMARY

The United States District Court for the District of Puerto Rico granted Defendants’ motion to dismiss Olga Hernández Padilla’s claims under 42 U.S.C. § 1983 and Puerto Rico Law 100. The court held that monetary-damages claims against the Commonwealth, the Puerto Rico Department of Justice, and an official-capacity defendant were barred by the Eleventh Amendment, and that the claims were untimely under the applicable one-year limitations period. The court also concluded that the pleadings failed to state viable Fourteenth or First Amendment claims and directed entry of judgment.

CASE DETAILS

COURT	United States District Court for the District of Puerto Rico
WRITING FOR THE COURT	Jay A. Garcia-Gregory
JURISDICTION	United States District Court for the District of Puerto Rico
DECIDED	May 5, 2026
DOCKET	Civil No. 25-1386 (JAG)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's Section 1983 and Puerto Rico Law 100 claims. The district court granted the motion and dismissed the claims with prejudice.
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) pleading standard, accepting well-pleaded factual allegations as true and drawing reasonable inferences in Plaintiff's favor, while disregarding conclusory allegations and determining whether the complaint stated a facially plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; district court opinion with no reported citation in the supplied text.
PARTIES	Olga Hernández Padilla v. Gretchen Pérez, Department of Justice of Puerto Rico, Commonwealth of Puerto Rico

TOPICS

motions to dismiss

statute of limitations

section 1983

sovereign immunity

first amendment

PRACTICE AREAS

civil procedure

civil rights

constitutional law

employment law

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the Eleventh Amendment barred Plaintiff's claims for monetary damages against the Commonwealth of Puerto Rico, the Puerto Rico Department of Justice, and an official sued in her official capacity.
2. Whether Plaintiff's Section 1983 and Puerto Rico Law 100 claims were barred by the applicable one-year statute of limitations.
3. Whether Plaintiff's allegations stated plausible due process, equal protection, or First Amendment claims.
4. Whether the Federal Tort Claims Act applied to claims against Puerto Rico government defendants.

HOLDINGS

1. The Eleventh Amendment bars Plaintiff's claims for monetary damages against the Commonwealth of Puerto Rico, the Puerto Rico Department of Justice, and Gretchen Pérez in her official capacity because those defendants are the Commonwealth or arms and instrumentalities of the Commonwealth.
2. Plaintiff's Section 1983 claims were subject to Puerto Rico's one-year limitations period for tort actions and were untimely because the alleged violations occurred in or around August 2023 while the complaint was filed on July 23, 2025.
3. Plaintiff's Puerto Rico Law 100 employment-discrimination claims were subject to a one-year statute of limitations and were untimely.
4. Plaintiff failed to state plausible procedural due process, substantive due process, or equal protection claims under the Fourteenth Amendment.
5. Plaintiff failed to state a viable First Amendment claim because her allegations of retaliation, public defamation, exclusion from a public forum, and threats of legal action were conclusory and did not identify facts showing a violation of a protected First Amendment right.
6. The Federal Tort Claims Act did not apply because Plaintiff sued state government defendants rather than federal government employees.

KEY QUOTATIONS

"To survive dismissal under this standard, a complaint must allege sufficient facts to "state a claim to relief that is plausible on its face" and "raise [a plaintiff's] right to relief above the speculative level." (at 2)

"The Commonwealth of Puerto Rico is treated as a state for Eleventh Amendment purposes" (at 3)

"Thus, Plaintiff cannot use ignorance of the law as a defense to overcome the limitations period of her Section 1983 and Law 100 claims." (at 5)

“Only if the executive conduct does shock the conscience will the analysis move on to the substantive due process framework’s next stage” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that Defendants engaged in conduct on or around August 2023 that violated her constitutional rights, including due process, equal protection, and First Amendment rights. She also asserted claims under 42 U.S.C. § 1983 and Puerto Rico Law 100, and sought monetary damages. Plaintiff filed suit on July 23, 2025, asserting that she did not realize her rights had allegedly been violated until she took law school courses during the 2024 and 2025 academic years.

PROCEDURAL HISTORY

Plaintiff filed a Complaint, an Amended Complaint, and a Second Amended Complaint asserting constitutional claims under 42 U.S.C. § 1983 and employment-discrimination claims under Puerto Rico Law 100. Defendants moved to dismiss. The district court concluded that the monetary-damages claims were barred by the Eleventh Amendment, that the claims were untimely, and that the pleadings failed to state viable constitutional claims. The court granted the motion to dismiss with prejudice and directed entry of judgment.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Grajales v. Puerto Rico Ports Authority, 682 F.3d 40, 44 (1st Cir. 2012)
- Gooley v. Mobil Oil Corp., 851 F.2d 513, 515 (1st Cir. 1988)
- Aulson v. Blanchard, 83 F.3d 1, 3 (1st Cir. 1996)
- Butler v. Deutsche Bank Trust Co. Americas, 748 F.3d 28, 32 (1st Cir. 2014)
- Penalbert-Rosa v. Fortuño-Burset, 631 F.3d 592, 595 (1st Cir. 2011)
- Sinapi v. Rhode Island Board of Bar Examiners, 910 F.3d 544, 553 (1st Cir. 2018)
- Maysonet-Robles v. Cabrero, 323 F.3d 43, 48-49 (1st Cir. 2003)
- Sánchez Ramos v. Puerto Rico Police Department, 392 F. Supp. 2d 167, 177 (D.P.R. 2005)
- Fresenius Medical Care Cardiovascular Research, Inc. v. Puerto Rico and Caribbean Cardiovascular Center Corp., 322 F.3d 56, 61 (1st Cir. 2003)
- Johnson v. Department de Corrección y Rehabilitación, 2017 WL 2589273, at *7 (D.P.R. June 14, 2017)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)
- Ainsworth Aristocrat International Pty. Ltd. v. Tourism Co. of Puerto Rico, 818 F.2d 1034, 1036 (1st Cir. 1987)
- Ruiz-Sulsona v. University of Puerto Rico, 193 F. Supp. 2d 413, 415 (D.P.R. 2002)
- Rivera-Muriente v. Agosto-Alicea, 959 F.2d 349, 353 (1st Cir. 1992)

- Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich LPA, 559 U.S. 573, 581 (2010)
- United States v. Marquardo, 149 F.3d 36, 42 (1st Cir. 1998)
- Cheek v. United States, 498 U.S. 192, 199 (1991)
- Landrau-Romero v. Banco Popular de Puerto Rico, 212 F.3d 607, 615 (1st Cir. 2000)
- Rodriguez-Torres v. Caribbean Forms Manufacturer, Inc., 399 F.3d 52, 60-61 (1st Cir. 2005)
- Ahmed v. Rosenblatt, 118 F.3d 886, 890 (1st Cir. 1997)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- García-González v. Puig-Morales, 761 F.3d 81, 88 (1st Cir. 2014)
- Cruz-Erazo v. Rivera-Montañez, 212 F.3d 617, 621-22 (1st Cir. 2000)
- Abdisamad v. City of Lewiston, 960 F.3d 56, 59-60 (1st Cir. 2020)
- Foote v. Lulow School Committee, 128 F.4th 336, 346 (1st Cir. 2025)
- J.R. v. Gloria, 593 F.3d 73, 80 (1st Cir. 2010)
- Martin v. United States, 605 U.S. 395, 400 (2025)