

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Monique Mason-Kelly v. Houston Independent School District, et al.

Mason-Kelly · No. 4:23-CV-03185 · Decided March 9, 2026

SUMMARY

The United States District Court for the Southern District of Texas considers Houston Independent School District’s motion for summary judgment in Monique Mason-Kelly’s claims alleging racial discrimination and retaliation under Title VII and the Texas Commission on Human Rights Act, and disability discrimination and retaliation under the ADA. The court grants the motion and dismisses the case, concluding that Mason-Kelly failed to provide evidence supporting adverse employment actions, comparators, or causal connections. The court denies HISD’s motion to strike her response.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Andrew S. Hanen
JURISDICTION	United States District Court for the Southern District of Texas
DECIDED	March 9, 2026
DOCKET	4:23-CV-03185
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought Title VII, TCHRA, and ADA discrimination and retaliation claims in state court. After removal to federal court, the district court dismissed claims against Alvin Goldman and Deshonta Everett, and granted HISD's motion for summary judgment on the claims against it. The court separately dismissed the claims against Rosa Hernandez without prejudice for lack of service.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views reasonable inferences in favor of the nonmoving party, but the nonmoving party must identify specific supporting evidence in the record.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Monique Mason-Kelly v. Houston Independent School District, Rosa Hernandez, Alvin Goldman, Deshonta Everett

TOPICS[summary judgment](#)[employment discrimination](#)[retaliation](#)[ada / disability](#)[service of process](#)**PRACTICE AREAS**[employment law](#)[civil rights](#)[disability discrimination](#)[civil procedure](#)**QUESTIONS PRESENTED**

1. Whether Mason-Kelly produced sufficient evidence to establish a prima facie case of racial discrimination under Title VII and the TCHRA.
2. Whether Mason-Kelly produced sufficient evidence to establish a prima facie case of retaliation under Title VII and the TCHRA.
3. Whether Mason-Kelly was a qualified individual able to perform the essential functions of her teaching position, with or without reasonable accommodation, for purposes of her ADA discrimination claim.
4. Whether Mason-Kelly produced sufficient evidence to establish a prima facie case of retaliation under the ADA.
5. Whether the claims against Rosa Hernandez should be dismissed because she was not served within the time required by Federal Rule of Civil Procedure 4(m).
6. Whether HISD's motion to strike Mason-Kelly's response should be granted.

HOLDINGS

1. Mason-Kelly failed to establish a prima facie case of racial discrimination because she identified no comparator and produced no evidence showing that she suffered a qualifying adverse employment action or was treated less favorably than a similarly situated employee.
2. Mason-Kelly failed to establish a prima facie retaliation claim because she presented no evidence of a causal connection between protected activity and any adverse employment action.
3. Mason-Kelly was not a qualified individual for purposes of her ADA discrimination claim because she could not perform the essential function of appearing for work and sought, in substance, indefinite leave without evidence of a definite return date.
4. Mason-Kelly failed to establish a prima facie ADA retaliation claim because she presented no evidence of a causal connection between protected activity and an adverse employment action.
5. The claims against Rosa Hernandez were dismissed without prejudice because there was no evidence that she was served within the period required by Federal Rule of Civil Procedure 4(m).
6. The court denied HISD's motion to strike Mason-Kelly's response and considered the response despite its alleged untimeliness and rule violations.

KEY QUOTATIONS

“An essential element of any . . . job is an ability to appear for work[.]” (18)

“Indefinite leave is not a reasonable accommodation.” (18)

FACTUAL BACKGROUND

Mason-Kelly taught at Welch Middle School in the Houston Independent School District and alleged that she experienced racial discrimination, retaliation, workplace bullying, and disability-related mistreatment after reporting racial slurs and filing grievances. HISD approved accommodations allowing elevator access and use of a chair, but Mason-Kelly worked only from September 20 through September 28, 2022, then remained absent without approved leave or a definite return date. After repeated notices directing her to return or obtain approved leave, HISD recommended nonrenewal of her contract; Mason-Kelly had meanwhile accepted a teaching position with another school district.

PROCEDURAL HISTORY

Mason-Kelly filed the action in Texas state court on August 21, 2023, and HISD removed it to the Southern District of Texas on August 29, 2023. The court previously dismissed the claims against Alvin Goldman and Deshonta Everett. HISD moved for summary judgment, and Mason-Kelly responded without identifying supporting summary-judgment evidence. The court denied HISD's motion to strike the response, granted summary judgment for HISD, and dismissed the unserved claims against Rosa Hernandez without prejudice.

DISPOSITION

other

CASES CITED

- Triple Tee Golf, Inc. v. Nike, Inc., 485 F.3d 253 (5th Cir. 2007)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)
- Malacara v. Garber, 353 F.3d 393 (5th Cir. 2003)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Mission Consolidated Independent School District v. Garcia, 372 S.W.3d 629 (Tex. 2012)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Ross v. Judson Independent School District, 993 F.3d 315 (5th Cir. 2021)
- Tex. Tech University Health Sciences Center-El Paso v. Flores, 612 S.W.3d 299 (Tex. 2020)
- Morris v. Town of Independence, 827 F.3d 396 (5th Cir. 2016)
- Ray v. United Parcel Service, 587 F. App'x 182 (5th Cir. 2014)
- Sanders v. Regions Bank, 2024 WL 2159961 (S.D. Tex. May 14, 2024)
- Thornton v. University of Texas Southwestern Medical Center, 2024 WL 2787886 (N.D. Tex. May 29, 2024)
- Gorman v. Verizon Wireless Texas, L.L.C., 753 F.3d 165 (5th Cir. 2014)

- Royal v. CCC & R Tres Arboles, L.L.C., 736 F.3d 396 (5th Cir. 2013)
- Bradford v. McCarthy, 2021 WL 2701606 (W.D. Tex. May 18, 2021)
- Ackel v. National Communications, Inc., 339 F.3d 376 (5th Cir. 2003)
- Bennett v. Dallas Independent School District, 936 F. Supp. 2d 767 (N.D. Tex. 2013)
- EEOC v. LHC Group, Inc., 773 F.3d 688 (5th Cir. 2014)
- Clark v. Champion National Security, Inc., 952 F.3d 570 (5th Cir. 2020)
- Foreman v. Babcock & Wilcox Co., 117 F.3d 800 (5th Cir. 1997)
- Chandler v. City of Dallas, 2 F.3d 1385 (5th Cir. 1993)
- Rogers v. International Marine Terminals, Inc., 87 F.3d 755 (5th Cir. 1996)
- Amsel v. Texas Water Development Board, 464 F. App'x 395 (5th Cir. 2012) (per curiam)
- Urdy v. Texas Mutual Insurance Co., 2020 WL 9809988 (W.D. Tex. July 16, 2020)
- EEOC v. Chevron Phillips Chemical Co., 2007 WL 9711755 (S.D. Tex. June 5, 2007)
- Sprouse v. Boxer Property Management Corp., 2017 WL 3671081 (S.D. Tex. Aug. 11, 2017)