

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Shawna Beard v. White Deer Run, LLC

Beard · No. 1:24-CV-1176 · Decided March 16, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania adopted a magistrate judge’s recommendation to dismiss Shawna Beard’s amended complaint and considered her latest proposed complaint. The court held that Beard failed to adequately allege discriminatory acts within the scope of her EEOC charge and therefore failed to state a Title VII claim. The complaint was dismissed with prejudice, and the case was closed.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Keli M. Neary
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 16, 2026
DOCKET	1:24-CV-1176
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice of Beard's second amended complaint. Beard filed another amended complaint instead of specific objections. The district court adopted the recommendation as to the second amended complaint and dismissed the latest complaint with prejudice.
STANDARD OF REVIEW	De novo review of contested portions of a magistrate judge's report and recommendation, with reasoned consideration of uncontested portions; the latest complaint was reviewed for failure to state a claim.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Shawna Beard v. White Deer Run, LLC

TOPICS

- exhaustion of remedies
- title vii
- racial discrimination
- retaliation
- pleadings

PRACTICE AREAS

civil procedure

employment law

civil rights

administrative law

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss Beard's second amended complaint.
2. Whether Beard's latest complaint stated a Title VII claim when she did not attach a specific EEOC charge to it and the charge previously filed with her original complaint did not identify specific discriminatory acts.
3. Whether further amendment would be futile.

HOLDINGS

1. Because Beard did not specifically object to the recommendation and instead filed another complaint, the district court adopted the recommendation to dismiss the second amended complaint, giving reasoned consideration to the uncontested recommendation.
2. A Title VII plaintiff must first file an EEOC charge, and the subsequent lawsuit is limited to discriminatory acts described in the charge or acts fairly within the scope of a reasonable investigation arising from the charge.
3. Beard's latest complaint failed to state a claim because neither the EEOC charge nor the pleadings identified specific discriminatory or retaliatory acts.
4. Further amendment would be futile, so Beard's latest complaint was dismissed with prejudice.

KEY QUOTATIONS

"The purpose of requiring exhaustion is to afford the EEOC the opportunity to settle disputes through conference, conciliation, and persuasion, avoiding unnecessary action in court."

"Critically, this means a plaintiff can only bring a lawsuit about discriminatory acts contained in the original charge or acts fairly within the scope of a reasonable investigation arising from the initial charge."

"Because the original charge itself is devoid of any specific facts to establish discrimination, and because 'the original charge is the touchstone of [the] exhaustion analysis,' Simko, 922 F.3d at 210 (citing Antol, 82 F.3d at 1296), the court concludes Beard's latest complaint fails to state a claim and allowing any further amended would be futile."

FACTUAL BACKGROUND

Beard alleged that while employed by White Deer Run she experienced unfair treatment and different terms and conditions than non-Black coworkers beginning in November 2023. She alleged that management told her to keep her head down, that she was sabotaged and set up to fail, and that she faced retaliation, but she did not identify specific discriminatory or retaliatory acts. Her April 2024 EEOC charge was brief, identified only nonspecific events in November 2023, and did not describe the alleged discrimination in sufficient detail.

PROCEDURAL HISTORY

Magistrate Judge Martin C. Carlson recommended dismissal without prejudice of Beard's second amended complaint. Beard did not file specific objections and instead submitted another amended complaint, which was her fourth complaint in the case. The district court gave de novo review to contested portions and reasoned consideration to uncontested portions, adopted the recommendation, considered the latest complaint, and dismissed it with prejudice for failure to state a claim and because further amendment would be futile.

DISPOSITION

dismissed

CASES CITED

- E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99-100 (3d Cir. 2017)
- Antol v. Perry, 82 F.3d 1291, 1296 (3d Cir. 1996)
- Simko v. United States Steel Corp., 992 F.3d 198, 208-09 (3d Cir. 2021)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA SHAWNA BEARD,: CIVIL ACTION NO. 1:24-CV-1176 Plaintiff: (Judge Neary) v.: WHITE DEER RUN, LLC,: Defendant: MEMORANDUM This matter comes before the court upon the Report and Recommendation (“R&R”) (Doc. 56) of Magistrate Judge Martin C. Carlson, wherein Judge Carlson recommends that the court dismiss without prejudice pro se defendant Shawna Beard’s amended complaint (Doc.

46). In response to Judge Carlson’s R&R, rather than file specific objections, Beard filed another amended complaint. (Doc. 57). When reviewing an R&R from a magistrate judge, this court is to give de novo review of the contested portions of the report and afford “reasoned consideration” to the uncontested portions of the report. See E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99-100 (3d Cir.

2017) (citations omitted). To begin, Beard offered no defense of her second amended complaint which Judge Carlson recommended the court dismiss. Instead, she simply filed yet another amended complaint. (Doc. 57). Given her apparent non-objection to Judge Carlson’s recommendation of dismissal, and giving reasoned consideration to his recommendation, the court finds dismissal of the second amended complaint was warranted for the reasons given by Judge Carlson.

Thus, the court will adopt that part of his R&R. In the interests of judicial economy, the court will now consider Beard’s latest complaint. This is the fourth complaint filed by Beard in this case. Judge Carlson has repeatedly explained the issues with Beard’s filings. (See Docs. 35, 45, 56).

Despite these explanations and instructions, Beard's latest complaint still fails to assert any claims against defendant White Deer Run.

As an initial matter, Beard failed to attach her EEOC charge to her latest complaint. Without a prior EEOC charge, a plaintiff cannot maintain a Title VII suit. 42 U.S.C. 2000e-5(f)(1). This is what is known as administrative exhaustion. It does not, as Beard appears to believe, refer to her attempts to bring a lawsuit with counsel or attempt to work out the issues with White Deer Run.

(Doc. 62 at ECF 1). "The purpose of requiring exhaustion is to afford the EEOC the opportunity to settle disputes through conference, conciliation, and persuasion, avoiding unnecessary action in court." *Antol v. Perry*, 82 F.3d 1291, 1296 (3d Cir. 1996). Critically, this means a plaintiff can only bring a lawsuit about discriminatory acts contained in the original charge or acts fairly within the scope of a reasonable investigation arising from the initial charge.

Simko v. United States Steel Corp., 992 F.3d 198, 208-09 (3d Cir. 2021). It is true that Beard did include her charge of discrimination with her original complaint. (Doc. 1-1). Accordingly, on the basis of her pro se status, the court will still consider that initial charge. Notably, Beard's charge is rather short. She states that "[o]n or about November 2023, I began to experience acts of unfair treatment, and I was subjected to different terms and conditions that [sic] my non-black counterparts." (Id.).

She then reported this to human resources and was told to "keep [her] head down because nothing was going to change." (Id.). Beard continues, "[i]t appeared to me that I was being sabotaged and setup by upper management to fail at my job responsibilities by not being provided with the necessary tools to perform my duties." (Id.). That marks the end of her substantive allegations.

Though she says she faced retaliation, she does not explain how she was punished or what specifically she did to earn retaliation. Moreover, her charge, filed in April 2024, stated the discriminatory acts occurred only in November 2023. (Id.). Beard never describes the specific discriminatory acts that occurred in November 2023—not in her EEOC charge, (Doc.

1-1), not in her amended complaint, (Doc. 57), nor in her letter (Doc. 58) to the court filed with her latest proposed amended complaint. Additionally, given that Beard filed her charge in April 2024, the court concludes no reasonable investigation would uncover events which occurred from December 2023 to April 2024. If Beard faced additional discrimination during that time, then she should have included that information in her original charge.

Instead, Beard's original charge complained only of some non-specific events which occurred in November 2023. In multiple filings with the court, she has failed to elaborate on what those events were. Again, the purpose of the exhaustion requirement is for the EEOC to work with employees and employers to avoid lawsuits.

Here, there is little in Beard's charge for any investigator—or White Deer Run—to work with to try to respond to Beard's concerns. Beard could very well have faced racial discrimination in her employment with White Deer Run. But the law requires her to specifically describe the discriminatory acts she faced, first through an EEOC charge and then, if necessary, through a complaint filed in court.

Those specifics are lacking in this case. Because the original charge itself is devoid of any specific facts to establish discrimination, and because “the original charge is the touchstone of [the] exhaustion analysis,” Simko, 922 F.3d at 210 (citing Antol, 82 F.3d at 1296), the court concludes Beard's latest complaint fails to state a claim and allowing any further amended would be futile.

Therefore, Beard's complaint will be dismissed with prejudice, and this case will be closed. /S/ KELI M. NEARY Keli M. Neary United States District Judge Middle District of Pennsylvania March 16th, 2026