

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

**Tara M. Burge v. Rick Wells, Official Capacity as Sheriff of Manatee
County, Florida**

Burge · No. 8:24-cv-2955-VMC-CPT · Decided December 10, 2025

SUMMARY

The United States District Court for the Middle District of Florida grants Sheriff Rick Wells’s motion for summary judgment in Tara M. Burge’s action alleging sex discrimination, race discrimination, and retaliation. The court addresses Burge’s resignation from the Manatee County Sheriff’s Office, the investigation into her association with a convicted felon and alleged misuse of law-enforcement databases, the Florida Department of Law Enforcement referral, and the comparators identified by Burge.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	Virginia M. Hernandez Covington
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	December 10, 2025
DOCKET	8:24-cv-2955-VMC-CPT
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on the plaintiff's Title VII sex-discrimination claim and 42 U.S.C. § 1983 race-discrimination and retaliation claims.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed conflicts in the evidence and reasonable inferences in the nonmovant's favor, but disregarded conclusory assertions, legal conclusions, and unsupported statements lacking personal knowledge.
PRECEDENTIAL VALUE	unpublished

PARTIES

Tara M. Burge v. Rick Wells, Official Capacity as Sheriff of Manatee County, Florida

TOPICS

summary judgment

title vii

employment discrimination

section 1983

retaliation

PRACTICE AREAS

employment discrimination

civil rights

employment law

civil procedure

QUESTIONS PRESENTED

1. Whether Wells could be held liable under 42 U.S.C. § 1983 for alleged race discrimination and retaliation when his employment decision was subject to meaningful review by a Career Service Appeal Board.
2. Whether Burge's resignation constituted a constructive discharge and therefore an adverse employment action under Title VII.
3. Whether Burge identified a similarly situated male comparator sufficient to establish a prima facie Title VII sex-discrimination claim.
4. Whether the Sheriff's stated reasons for the employment action—association with a felon and misuse of law-enforcement databases—were pretextual.

HOLDINGS

1. Wells was not the final policymaker with respect to Burge's alleged termination because the decision was subject to meaningful review by the Career Service Appeal Board, whose decision was binding on the Sheriff, and further review by a Florida circuit court.
2. Burge's resignation was voluntary and did not constitute a constructive discharge or adverse employment action under Title VII.
3. Burge did not identify a male comparator who was similarly situated in all material respects.
4. Burge failed to show that Wells's stated reasons—her prolonged association with a convicted felon and misuse of law-enforcement databases—were false or a pretext for discrimination or retaliation.

KEY QUOTATIONS

“An official is not a final policymaker where his decisions are subject to ‘meaningful administrative review.’”
(at 18)

“resignations can be voluntary even where the only alternative to resignation is facing possible termination for cause or criminal charges.” (at 34)

“The relevant inquiry is [] whether the employer in good faith believed that the employee had engaged in the conduct that led the employer to discipline the employee.” (at 51)

FACTUAL BACKGROUND

Burge was a former Manatee County Sheriff's Office deputy who resigned while under investigation for associating with a known convicted felon and allegedly misusing law-enforcement databases. She contended that her resignation was involuntary and that she was treated less favorably because of her sex and race, identifying Major Tom Porter and Sergeant Marvin Johnson as comparators. The Sheriff's Office had policies prohibiting association with certain persons and unauthorized database access, and its disciplinary decisions were reviewable by a Career Service Appeal Board and, further, by a Florida circuit court.

PROCEDURAL HISTORY

Burge filed the action in December 2024. Wells answered, the parties conducted discovery, and Wells moved for summary judgment. The court granted the motion on all counts and directed the Clerk to enter judgment and close the case.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986)
- Mize v. Jefferson City Board of Education, 93 F.3d 739, 742 (11th Cir. 1996)
- Allen v. Tyson Foods, Inc., 121 F.3d 642, 646 (11th Cir. 1997)
- Hickson Corp. v. N. Crossarm Co., 357 F.3d 1256, 1260 (11th Cir. 2004)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Jeffery v. Sarasota White Sox, Inc., 64 F.3d 590, 593-94 (11th Cir. 1995)
- Shotz v. City of Plantation, 344 F.3d 1161, 1164 (11th Cir. 2003)
- Samples ex rel. Samples v. City of Atlanta, 846 F.2d 1328, 1330 (11th Cir. 1988)
- Morris v. Ross, 663 F.2d 1032, 1034 (11th Cir. 1981)
- Avirgan v. Hull, 932 F.2d 1572, 1577 (11th Cir. 1991)
- Ojeda v. Louisville Ladder Inc., 410 F. App'x 213, 215 (11th Cir. 2010)
- Cook ex rel. Estate of Tessier v. Sheriff of Monroe County, 402 F.3d 1092, 1115-16 (11th Cir. 2005)
- Morro v. City of Birmingham, 117 F.3d 508, 510 (11th Cir. 1997)
- Scala v. City of Winter Park, 116 F.3d 1396, 1401-03 (11th Cir. 1997)
- Quinn v. Monroe County, 330 F.3d 1320, 1322-26 (11th Cir. 2003)
- Maschmeier v. Scott, 508 F. Supp. 2d 1180, 1183-84 (M.D. Fla. 2007), aff'd, 269 F. App'x 941 (11th Cir. 2008)
- Leath v. Hansell, No. 6:06-cv-896-PCF-DAB, 2008 WL 151869, at *5 (M.D. Fla. Jan. 15, 2008)
- Dixon v. Gibson, No. 6:18-cv-1376-GAP-DCI, 2020 WL 10090796, at *5 (M.D. Fla. Mar. 11, 2020), aff'd sub nom. Dixon v. Hansell, 844 F. App'x 198 (11th Cir. 2021)
- Lewis v. City of Union City, 918 F.3d 1213, 1220-28 (11th Cir. 2019)

- Gentry v. City of Russellville, Alabama, 406 F. Supp. 3d 1231, 1251 (N.D. Ala. 2019)

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