

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Sam Jackson v. Volunteers of America, Inc., et al.

Jackson v. Volunteers of America · No. 2:25-cv-01569 · Decided April 9, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana partially grants and partially denies two motions to dismiss in Sam Jackson’s pro se employment-discrimination action. The court dismisses claims under the ADA and ADEA, claims against individual defendants, and unexhausted Title VII claims, while allowing certain race- and religion-based Title VII claims against organizational defendants to proceed subject to amendment. The court grants Jackson thirty days to file an amended complaint with more detailed factual allegations.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Fallon
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	April 9, 2026
DOCKET	2:25-cv-01569
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff brought employment-discrimination claims under Title VII, the ADEA, and the ADA. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(4), 12(b)(5), and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and asks whether the complaint states a facially plausible claim. Conclusory allegations, unwarranted factual inferences, and legal conclusions are not accepted as true. The court also applied liberal construction to the pro se complaint and reviewed administrative-exhaustion issues under Title VII.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Sam Jackson v. Volunteers of America, Inc., Volunteers of America Southeast Louisiana, Inc., Jeff Mullan, Greg Brown, Jason Stereal,

TOPICS

motions to dismiss

title vii

employment discrimination

religious discrimination

racial discrimination

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether Jackson stated claims under the ADEA or ADA.
2. Whether Title VII claims could proceed against the individual defendants.
3. Whether Jackson exhausted his administrative remedies for the various Title VII theories asserted in the complaint.
4. Whether Jackson sufficiently alleged an employment relationship with VOASELA.
5. Whether the remaining Title VII claims against VOASELA and Express Services should be dismissed for failure to state a claim, or whether Jackson should receive leave to amend.
6. Whether Express Services's allegedly late service warranted dismissal under Rules 12(b)(4) or 12(b)(5).

HOLDINGS

1. Jackson's complaint contained no factual allegations supporting an ADEA or ADA claim; all claims under those statutes were dismissed.
2. Title VII does not impose individual liability on defendants in either their individual or official capacities; Jackson's Title VII claims against Mullan, Brown, Stereal, and Anderson were dismissed.
3. Jackson exhausted only claims that were like or related to the allegations in his EEOC charges. Because the Volunteers charge alleged only race- or religion-based discrimination and the Express charge alleged only race-based discrimination, his other Title VII theories were unexhausted and were dismissed.
4. Jackson sufficiently alleged an employment relationship with VOASELA at the motion-to-dismiss stage.
5. The court declined to dismiss the remaining Title VII claims with prejudice and granted Jackson thirty days to amend his complaint with more complete factual allegations.
6. The court declined to dismiss Express Services's claims based on a seven-day delay in service.

KEY QUOTATIONS

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim for relief that is plausible on its face.’” (Discussion)

“Individuals are not liable under Title VII in either their individual or official capacities.” (Discussion)

“The exhaustion requirement is satisfied when plaintiff files a timely charge with the EEOC and receives a statutory right-to-sue notice.” (Discussion)

FACTUAL BACKGROUND

Jackson alleged that he worked for Volunteers of America beginning in December 2024 as a monitor at \$10 per hour and was not transitioned to full-time employment after working the required hours, while another worker allegedly was transitioned. He attributed the failure to transition to his Christian religion in his Volunteers EEOC charge and asserted race-based retaliation or discrimination in his Express charge. His complaint checked boxes asserting Title VII, ADEA, and ADA claims based on termination, failure to promote, failure to accommodate, unequal employment terms, retaliation, and discrimination based on race, color, sex, religion, and age.

PROCEDURAL HISTORY

Jackson filed his complaint in the Eastern District of Louisiana on July 30, 2025, attaching EEOC charges and right-to-sue notices. Defendants filed two motions to dismiss, and Jackson filed no opposition. The court granted the motions in part, denied them in part, dismissed the ADEA, ADA, individual-defendant, and unexhausted Title VII claims, and granted leave to amend the remaining Title VII claims.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Jackson was ordered to file, within thirty days, an amended complaint alleging more fulsome facts supporting the remaining Title VII claims: race- and religion-based discrimination against VOASELA and race-based discrimination against Express Services. Failure to amend would result in dismissal of the remaining claims without further notice.

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Baker v. Putnal, 75 F.3d 190, 196 (5th Cir. 1996)
- Arias-Benn v. State Farm Fire & Casualty Co., 495 F.3d 228, 230 (5th Cir. 2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ackel v. National Communications, Inc., 339 F.3d 376, 388 n.1 (5th Cir. 2003)
- Castro v. Texas Department of Criminal Justice, 541 F. App'x 374, 379 (5th Cir. 2013)
- E.E.O.C. v. Resources for Human Development, Inc., 827 F. Supp. 2d 688, 697 (E.D. La. 2011)
- Ordonye v. Clement, No. 24-2084, 2025 WL 371385, at *10 (E.D. La. Feb. 3, 2025)
- Fine v. GAF Chemical Corp., 995 F.2d 576, 578 (5th Cir. 1993)
- Lavergne v. HCA Inc., 452 F. Supp. 2d 682, 689 (E.D. Tex. 2006)

- Foman v. Davis, 371 U.S. 178, 182 (1962)
- George v. U.S. Department of Labor, 788 F.2d 1115, 1116 (5th Cir. 1986)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA SAM JACKSON
CIVIL ACTION NO. 25-1569 VERSUS DISTRICT JUDGE FALLON VOLUNTEERS OF
AMERICA, INC., ET. AL. MAGISTRATE JUDGE NORTH ORDER AND REASONS The Court
has before it two Motions to Dismiss in the above-captioned action, one filed by Defendants
Volunteers of American Southeast Louisiana, Inc. (“VOASELA”), Jeff Mullan, Greg Brown, and
Jason Stereal (collectively, the “Volunteers Defendants”), R. Doc.

15, and one filed by Defendants Express Services Inc. of Colorado, Express Services, Inc.
(together, “Express Services”), and Sandra Anderson (collectively, the “Express Defendants”), R.
Doc. 17. Both sets of Defendants argue that pro se Plaintiff Sam Jackson’s claims against them
must be dismissed on several grounds. Plaintiff has filed no opposition to either motion.

Having considered the briefing in light of the applicable law and record facts, the Court will
GRANT IN PART and DENY IN PART Defendants’ motions for the following reasons. I.
BACKGROUND & PRESENT MOTIONS Plaintiff filed his pro se Complaint for Employment
Discrimination with this Court on July 30th, 2025. R. Doc. 1. Plaintiff checked boxes to indicate
that his claims were raised pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”), the
Age Discrimination in Employment Act of 1967 (“ADEA”), and the Americans with Disabilities
Act of 1990 (“ADA”).

Id. at 3. Plaintiff provided no written statement of his claim, but checked boxes to indicate that the
discriminatory conduct of which he complained in this action included termination of his
employment, failure to promote him, failure to accommodate his disability, unequal terms and
conditions of his employment, and retaliation, and that he claimed the Defendants discriminated
against him based on his race, color, gender/sex, religion, and age.

Id. at 4. He attached to his complaint an unsigned employment contract between “Express
Employment professionals” and himself, R. Doc. 1 at 7– 11, and charges of discrimination against
“VOLUNTEERS OF AMERICA INC” (the “Volunteers Charge”) and “Express professional
employee” (the “Express Charge”) filed with the United States Equal Employment Opportunity
Commission (“EEOC”), along with the responding EEOC Determination and Notice of Right to
Sue letters.

R. Doc. 1-1. The Volunteers Charge states: I began my employment with Volunteer of America in
December 2024, most recently as a Monitor, earning \$ 10.00 per hour. I was told after I worked
the recommended hours I would transition to full time. I worked the required hours and was not

hired for fulltime employment. Justin LNU (black male) worked for approximately (sic) months and transition (sic) to fulltime.

I believe my religion as a Christian was the reason I did not transition to fulltime. According to the company, they no longer needed my services. I believe I have been discriminated against because of my religion, Christian, in violation of Title VII of the Civil Rights Act of 1964, as amended. Id. at 1.

The Express Charge states: I went to Express Employment Professional for job seeking in November 2024. Initially I was working in a coffee shop. I was called by Cassandra (LNU). She advised that she found employment with Volunteers of American. I asked to work both jobs, she threatened me and said I can only work one or be fired. I was told after I worked the recommended hours I would transition to full time.

I worked the required hours and was not hired for fulltime employment. Justin LNU (black male) worked for approximately months and transition to fulltime. According to the company, they no longer needed my services. I believe I have been retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended. Id. at 11. Both the Volunteers Defendants and the Express Defendants now seek to dismiss Plaintiff's claims against them.

R. Doc. 15, 17. The Volunteers Defendants argue that Plaintiff's claims should be dismissed under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted because: a. Jackson has not alleged that VOASELA employed him, which is a prerequisite for liability under Title VII, the ADEA, and the ADA. b. Title VII, the ADEA, and the ADA do not provide for individual liability. c. Jackson did not exhaust his administrative remedies before asserting his sex or race discrimination claims under Title VII, his ADEA or ADA claims, or his retaliation claim. d. The Complaint does not allege facts sufficient to establish that VOASCLA terminated Jackson's employment, failed to promote him, or subjected him to unequal terms and conditions of employment based on his religion.

R. Doc. 15-1 at 2. The Express Defendants argue Plaintiff's claims against them should be dismissed either for failure to state a claim, or for deficient service of process under Federal Rules of Civil Procedure 12(b)(4) or (5). R. Doc. 17-1 at 1. II. APPLICABLE LAW Federal Rule of Civil Procedure 12(b)(6) provides that an action may be dismissed "for failure to state a claim upon which relief can be granted." "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim for relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 570 (2008)). "Factual allegations must be enough to raise a right to relief above the speculative level." *Twombly*, 550 U.S. at 556. A claim is plausible on its face

when the plaintiff has pleaded facts that allow the court to “draw a reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 570.

Although a court must liberally construe the complaint in light most favorable to the plaintiff, accept the plaintiff’s allegations as true, and draw all reasonable inferences in favor of the plaintiff, *Baker v. Putnal*, 75 F.3d 190, 196 (5th Cir. 1996), courts “do not accept as true conclusory allegations, unwarranted factual inferences, or legal conclusions.” *Arias-Benn v. State Farm Fire & Cas.*

Co., 495 F.3d 228, 230 (5th Cir. 2007) (quoting *Plotkin v. IP Axess Inc.*, 407 F.3d 690, 696 (5th Cir. 2005)). III. DISCUSSION Preliminarily, the Court notes that it construes Plaintiff’s pleadings with all deference due a pro se litigant. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (noting pro se pleadings are “to be liberally construed” and “held to less stringent standards than formal pleadings drafted by lawyers”).

Accordingly, the Court construes the allegations made in Plaintiff’s employment discrimination charges to be incorporated as part of his complaint. But even by this standard, Plaintiff’s complaint can be read to assert only Title VII claims. Plaintiff makes no factual allegations which can be construed as alleging either an ADEA or ADA claim.

Accordingly, any and all claims under those statutes are hereby DISMISSED. As to Plaintiff’s Title VII claims, it is well established that Title VII does not impose individual liability. *Ackel v. Nat’l Commc’ns, Inc.*, 339 F.3d 376, 388 n. 1 (5th Cir. 2003) (“Individuals are not liable under Title VII in either their individual or official capacities.”).

Accordingly, Plaintiff’s claims against the individual defendants, Mullen, Brown, Streal, and Anderson, also must be and hereby are DISMISSED. Additionally, a plaintiff alleging workplace discrimination must exhaust all administrative remedies before asserting a claim under Title VII in federal court. *Castro v. Tex. Dep’t of Criminal Justice*, 541 F. App’x 374, 379 (5th Cir.

2013). “The exhaustion requirement is satisfied when plaintiff files a timely charge with the EEOC and receives a statutory right-to-sue notice.” *E.E.O.C. v. Res. for Hum. Dev., Inc.*, 827 F. Supp. 2d 688, 697 (E.D. La. 2011).

The exhaustion requirement “is strictly construed, and courts have routinely dismissed cases in which the plaintiff did not allege that they received a right-to-sue letter or failed to present evidence that such a letter had issued.” *Ordonye v. Clement*, No. 24-2084, 2025 WL 371385, at *10 (E.D. La. Feb. 3, 2025).

Here, Plaintiff received right-to-sue letters from the EEOC as to the Volunteers Charge and the Express Charge. R. Doc. 1-1. However, only claims that are “like or related to” the charge’s

allegations are deemed to be exhausted by the charge filing. *Fine v. GAF Chem. Corp.*, 995 F.2d 576, 578 (5th Cir. 1992).

The Volunteers Charge, even construed liberally, can be read only to make out a claim for race- or religion-based discrimination. R. Doc. 1-1 at 1. Similarly, the Express Charge can be read only to make out a claim for race-based discrimination. *Id.* at 11.

Accordingly, Plaintiff has failed to exhaust his administrative remedies as to any other form of discrimination, and those claims must also be DISMISSED. The claims that remain are Plaintiff's claims against VOASELA for race- or religion-based discrimination and against Express Services for race-based discrimination under Title VII. VOASELA argues Plaintiff's remaining claims against it should be dismissed because, it asserts, Plaintiff makes no allegation that VOASELA employed Plaintiff. "[A]n employment relationship between the plaintiff and the defendant is a prerequisite to maintaining a Title VII action." *Lavergne v. HCA Inc.*, 452 F. Supp. 2d 682, 689 (E.D.

Tex. 2006) (citing 42 U.S.C. § 2000e(b)). However, in the Volunteers Charge, Plaintiff does allege that he "began [his] employment with Volunteer of America in December 2024, most recently as a Monitor, earning \$ 10.00 per hour[.]" R. Doc. 1-1 at 1. At the motion to dismiss stage, this suffices as an allegation that an employment relationship between Plaintiff and VOASELA, misnamed by Plaintiff as Volunteer of America, existed.

Finally, VOASELA and Express Services¹ both argue that Plaintiff's remaining Title VII claims against them should be dismissed for failure to state a claim upon which relief can be 1 Express Services also argues that Plaintiff's claims against it should be dismissed because Plaintiff served it seven days late.

However, "[t]he district court enjoys broad discretion in determining whether to dismiss an action granted, given that the Volunteers Charge, the Express Charge, and the Complaint contain only conclusory allegations against them and little or no factual support for Plaintiff's claims.

However, Rule 15 of Civil Procedure provides that a court should freely give a party leave to amend its complaint when justice so requires, unless amendment would be futile. *Fed. R. Civ. P.* 15(a)(2); *Foman y. Davis*, 371 U.S. 178, 182 (1962).

The Court cannot hold at this time, and on the basis of the scant record before it, that amendment would be futile. Accordingly, the Court will grant Plaintiff leave to amend his complaint as to the remaining Title VII claims against VOASELA and Express Services only. IV. CONCLUSION Accordingly, for the foregoing reasons; IT IS ORDERED that the Motions to Dismiss, R. Doc.

15 and 17, are GRANTED IN PART and DENIED IN PART, namely, all claims brought under ADA or the ADEA, all claims against individual defendants Mullen, Brown, Streal, and Anderson,

and unexhausted Title VII claims are hereby DISMISSED. IT IS FURTHER ORDERED that Plaintiff file an amended complaint as to his remaining Title VII claims of race- and religion-based discrimination against VOASELA and race-based discrimination against Express Services, containing more fulsome factual allegations against those parties in support of his claims, no later than thirty days from the date of this order.

Failure to comply with this order and file an amended complaint will result in dismissal of Plaintiff's remaining claims without further notice. New Orleans, Louisiana, this 9th day of April, 2026. be CBr United States District Judge for ineffective service of process." George v. U.S. Dep? of Labor, 788 F.2d 1115, 1116 (Sth Cir. 1986).

Under these circumstances, the Court declines to penalize a pro se litigant for a short delay in properly executed service.