

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Deondre’ Rose v. Buffalo Rock Company

Rose · No. 2:25-cv-00523-RAH-KFP · Decided January 26, 2026

SUMMARY

The United States District Court for the Middle District of Alabama reviews objections to a magistrate judge’s recommendation concerning exhaustion of administrative remedies. The court dismisses the harassment, hostile work environment, and retaliation claims, but permits race-based discriminatory demotion and termination claims to proceed because those claims were exhausted through the plaintiff’s EEOC charge. The case proceeds on portions of Count I and on Counts III and IV.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	R. Austin Huffaker, Jr.
JURISDICTION	United States District Court for the Middle District of Alabama
DECIDED	January 26, 2026
DOCKET	2:25-cv-00523-RAH-KFP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge’s report and recommendation recommending dismissal of Counts I and II of the Second Amended Complaint for failure to exhaust administrative remedies. The district court conducted de novo review of the disputed portions and ruled on Defendant’s Partial Motion to Dismiss.
STANDARD OF REVIEW	The district court reviews disputed portions of a magistrate judge’s recommendation de novo under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3). Objections must be sufficiently specific to warrant de novo review; otherwise, the recommendation is reviewed for clear error.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Deondre’ Rose v. Buffalo Rock Company

TOPICS

motions to dismiss

title vii

racial discrimination

hostile work environment

retaliation

PRACTICE AREAS

civil procedure

employment law

employment discrimination

title vii

civil rights

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's recommendation de novo based on Plaintiff's objections.
2. Whether Rose exhausted administrative remedies for his race-based harassment and hostile-work-environment claims.
3. Whether Rose exhausted administrative remedies for his retaliation claim.
4. Whether Rose exhausted administrative remedies for his race-based discriminatory demotion and termination claims.

HOLDINGS

1. Specific objections to a magistrate judge's recommendation require de novo review of the disputed portions, while insufficiently specific objections result in clear-error review.
2. Rose failed to exhaust his race-based harassment and hostile-work-environment claims because his EEOC Charge did not allege or suggest unwelcome harassment, a hostile work environment, or race-based harassment.
3. Rose failed to exhaust his retaliation claim because his EEOC Charge contained no allegation or indication that he suffered retaliation for engaging in protected conduct.
4. Rose properly exhausted his race-based discriminatory demotion and termination claims because those claims were expressly asserted in his EEOC Charge.

KEY QUOTATIONS

"The EEOC Charge makes clear that Plaintiff was claiming discriminatory demotion and termination based on race."

"Nowhere did Plaintiff claim or even hint about a racially hostile work environment, race-based harassment, or any retaliatory conduct based on engaging in protected conduct."

FACTUAL BACKGROUND

Rose's EEOC Charge stated that he was demoted in April 2023 and discharged on October 4, 2023, for tardiness while white comparators were not disciplined, demoted, or discharged for the same conduct. The Charge asserted race discrimination under Title VII but did not mention a racially hostile work environment, race-based harassment, or retaliation for protected conduct. In the Second Amended Complaint, Rose asserted claims concerning racial discrimination and harassment, including discriminatory demotion and termination, as well as harassment, hostile work environment, and retaliation.

PROCEDURAL HISTORY

The magistrate judge recommended dismissing Count I’s harassment and hostile-work-environment claim and Count II’s retaliation claim for failure to exhaust administrative remedies. Plaintiff objected, asserting that his EEOC Charge encompassed those claims and also challenged the treatment of his race-based demotion and termination claims. The district court adopted the recommendation in part, rejected it in part, dismissed the harassment, hostile-work-environment, and retaliation claims, and allowed the discriminatory demotion and termination claims in Count I, along with Counts III and IV, to proceed.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was referred back to the magistrate judge for further proceedings. Counts I, III, and IV proceed, with Count I limited to the racially discriminatory demotion and termination claims.

CASES CITED

- Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ., 896 F.2d 507, 513 (11th Cir. 1990)
- United States v. Opie, 347 F. App’x 495, 499 n.1 (11th Cir. 2009)
- Macort v. Prem, Inc., 208 F. App’x 781, 783–85 (11th Cir. 2006)

OPINION

Rose

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DEONDRE’ ROSE,)

) Plaintiff,)) v.) Case No. 2:25-cv-00523-RAH-KFP)

BUFFALO ROCK COMPANY,)

) Defendant.)

ORDER

On December 15, 2025, the magistrate judge recommended (see doc. 20) that Defendant’s Partial Motion to Dismiss (see doc. 13) be granted and therefore that Counts I and II of the Second Amended Complaint be dismissed for failure to exhaust administrative remedies. Plaintiff filed Objections on January 16, 2026. When a party objects to a magistrate judge’s recommendation, the district court must review the disputed portions de novo. 28 U.S.C. § 636(b)(1). The district court “may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). De novo review

requires that the district court independently consider factual issues based on the record. Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ., 896 F.2d 507, 513 (11th Cir. 1990); see also United States v. Opie, 347 F. App'x 495, 499 n.1 (11th Cir. 2009). However, objections to the magistrate judge's recommendation must be sufficiently specific to warrant de novo review. See Macort v. Prem, Inc., 208 F. App'x 781, 783–85 (11th Cir. 2006). Otherwise, a recommendation is reviewed for clear error. Id. In her recommendation, the magistrate judge recommended dismissal of Count I for failure to exhaust administrative remedies because Plaintiff's EEOC Charge contained no facts or assertion that he was subject to unwelcome harassment or a hostile work environment based on race. In Count II, the magistrate judge recommended dismissal for failure to exhaust because the EEOC Charge contained no facts or assertion that Plaintiff had been the subject of retaliation for engaging in protected conduct. Instead, the magistrate judge interpreted the EEOC Charge as complaining of a discriminatory demotion and termination based on race. In his objection, Plaintiff complains that the magistrate judge failed to address the critical factual allegations about the Defendant's reasons for his termination and the disparate treatment of white co-workers who were late but never disciplined or terminated. He further argues that the Second Amended Complaint matches his EEOC Charge in that he was demoted and therefore subject to harassment and that a reasonable investigation would have discovered a racially hostile work environment. As to his retaliation claim, he asserts that the magistrate judge is placing form over substance and that his discharge was the ultimate retaliatory act. Plaintiff's objection misrepresents his EEOC Charge and gives it a much broader interpretation than it actually reads. The EEOC Charge makes clear that Plaintiff was claiming discriminatory demotion and termination based on race. As it states, "[i]n April 2023, I was demoted and on October 4, 2023, I was discharged for tardiness when my white comparators have not been disciplined, demoted, or discharged for the same actions. The above-named employer stated that my discharge was due to tardiness. I believe I have been discriminated against due to my race – African American – in violation of Title VII of the Civil Rights Act of 1964, as amended." Nowhere did Plaintiff claim or even hint about a racially hostile work environment, race-based harassment, or any retaliatory conduct based on engaging in protected conduct. As such, the Court concludes that the magistrate judge correctly concluded that Plaintiff failed to exhaust his claims for harassment, a hostile work environment, and retaliation as asserted in Counts I and II. However, this Court interprets Count I as asserting more than just a discriminatory harassment and hostile work environment claim. Count I does make a claim for harassment and hostile work environment, but it also makes a claim for race-based discrimination in the context of his demotion and termination. In this regard, Count I is titled "Racial Discrimination and Harassment" and asserts that "Plaintiff was treated less favorably than white employees in disciplinary decisions and termination" and that he was "disciplined and terminated" while white co-workers were received no similar discipline or termination for the same offense. Plaintiff did properly exhaust that claim. Therefore, the magistrate judge's recommendation will be rejected only to the extent that it recommended dismissal of Count I in its entirety. Accordingly,

upon an independent and de novo review of the record, it is ORDERED as follows:

1. The Recommendation (doc. 20) is ADOPTED in part and REJECTED in part;
2. The Recommendation is ADOPTED to the extent the magistrate judge recommended dismissal of the harassment and hostile work environment claim in Count I and the retaliation claim in Count II, but REJECTED to the extent the magistrate judge recommended dismissal of the discriminatory demotion and termination claims in Count I;
3. Defendant's Partial Motion to Dismiss (doc. 13) is GRANTED in part;
4. The discriminatory harassment and hostile work environment claim in Count I and Count II (in its entirety) are hereby DISMISSED;
5. This case shall proceed on Counts I (racially discriminatory demotion and termination), III and IV of the Second Amended Complaint; and,
6. This case is referred back to the Magistrate Judge for further proceedings. DONE on this the 26th day of January 202 R. AUSTIQMAUFFAKER, JR.
UNITED STATES DISTRICT JUDGE