

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Dwayne Scott DeBerry Jr. v. Performance Driven Workforce

DeBerry · No. 2:25-cv-13356 · Decided March 4, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan dismissed Dwayne Scott DeBerry Jr.'s pro se employment discrimination and retaliation action against Performance Driven Workforce for failure to state a claim. The court concluded that DeBerry's complaint and response did not allege facts suggesting discrimination based on a protected class or retaliation based on protected conduct.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Matthew F. Leitman
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	March 4, 2026
DOCKET	2:25-cv-13356
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court screened a pro se complaint under 28 U.S.C. § 1915(e)(2) in connection with the plaintiff's application to proceed in forma pauperis. After issuing a show-cause order requiring the plaintiff either to explain why the action should not be dismissed or to file an amended complaint, the court dismissed the action for failure to state a claim.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), including dismissal of an action that fails to state a claim upon which relief may be granted.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- title vii
- employment discrimination
- retaliation
- wrongful termination
- civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a viable Title VII discrimination or retaliation claim sufficient to survive screening under 28 U.S.C. § 1915(e)(2).
2. Whether the plaintiff's response to the show-cause order cured the complaint's failure to allege facts supporting unlawful discrimination or retaliation.

HOLDINGS

1. The complaint failed to state a viable Title VII discrimination or retaliation claim because it alleged no specific facts showing or suggesting that the plaintiff was discriminated against based on membership in a protected class or retaliated against for protected conduct.
2. The court was required to dismiss the action under 28 U.S.C. § 1915(e)(2) because the complaint failed to state a claim upon which relief could be granted and the plaintiff's response did not cure that deficiency.

KEY QUOTATIONS

“The Complaint describes the alleged circumstances of DeBerry’s employment termination, but none of DeBerry’s allegations suggest that he was the victim of unlawful discrimination based upon his membership in a protected class or retaliation based upon protected conduct.” (PageID.23-24)

“Because his response does not cure this deficiency, the Court must DISMISS this action.” (PageID.26)

FACTUAL BACKGROUND

DeBerry alleged that Performance Driven Workforce terminated him shortly after he reported problems with a truck, including a faulty fuel gauge and a nonfunctioning emergency brake system. Although he checked form-complaint boxes alleging Title VII discrimination based on race, color, sex, and age, as well as retaliation, he alleged no facts connecting his termination to a protected characteristic or protected conduct. In response to the court's show-cause order, he discussed difficulty obtaining new employment and stated that he could not determine whether discrimination was a factor.

PROCEDURAL HISTORY

DeBerry filed a form complaint alleging wrongful termination, retaliation, unequal employment terms, and discrimination under Title VII and other unspecified federal law, along with an application to proceed in forma pauperis. The court issued a show-cause order identifying the absence of facts supporting discrimination or retaliation and permitting a written response or amended complaint. DeBerry responded but stated that he could not determine whether discrimination was involved and did not provide facts curing the identified deficiencies. The court dismissed the action before service.

DISPOSITION

dismissed

CASES CITED

- McGore v. Wigglesworth, 114 F.3d 601, 604 (6th Cir. 1997)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN
DIVISION DWAYNE SCOTT DEBERRY JR., Plaintiff, Case No. 25-cv-13356 v. Hon. Matthew
F. Leitman PERFORMANCE DRIVEN WORKFORCE, Defendant.

_____/ ORDER
DISMISSING ACTION FOR FAILURE TO STATE A CLAIM Plaintiff Dwayne Scott DeBerry
Jr., a resident of Detroit, Michigan, filed a pro se action in this Court against Defendant
Performance Driven Workforce, a company with a business address in Dearborn, Michigan
("Performance").

(See Compl., ECF No. 1, PageID.2.) DeBerry used a form Complaint to file his claims. (See id.)
On that form, DeBerry alleged that he was wrongfully terminated as an employee of Performance.
(See id., PageID.5, 9, 10.) He described an incident in which he was assigned to drive a truck that
had a number of issues, including "a faulty fuel gauge" and the "emergency brake system not
working." (See id., PageID.9.)

He alleged that Performance terminated his employment shortly after he reported these issues, and
he said that he "did not receive any reason" for the termination. (See id.) On his form Complaint,
DeBerry checked the boxes to indicate that he is alleging that Performance terminated his
employment, retaliated against him, and imposed unequal terms and conditions of his employment
in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17 and
"other federal law" (not specified).

(See id., PageID.4-5.) Specifically, he checked the boxes alleging that Performance discriminated
against him based on his race, color, gender/sex, and age. (See id., PageID.5.) He requests
damages in excess of \$3,000,000 for emotional distress, loss of wages, and "defamation of
character," as well as punitive damages. (Id., PageID.7.) DeBerry also filed an application to
proceed in forma pauperis ("IFP Application").

(See IFP Application, ECF No. 2.) In connection with the IFP Application, the Court was required
to screen DeBerry's Complaint and dismiss it prior to service on the Defendant if it (i) asserts
frivolous or malicious claims, (ii) fails to state a claim upon which relief may be granted, and/or
(iii) seeks monetary relief against a defendant who is immune from such relief.

See 28 U.S.C. § 1915(e)(2); see also *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997). The Court conducted the required screening and issued a Show Cause Order on October 27, 2025, stating the following: Here, it does not appear from the face of the Complaint that DeBerry has stated any viable claims for relief against the Defendant.

The Complaint describes the alleged circumstances of DeBerry's employment termination, but none of DeBerry's allegations suggest that he was the victim of unlawful discrimination based upon his membership in a protected class or retaliation based upon protected conduct.

Because there are significant questions concerning the viability of DeBerry's claims, before the Court rules on DeBerry's IFP Application, the Court will require DeBerry to either (1) SHOW CAUSE, in writing, why the Court should not dismiss his Complaint for failure to state a claim upon which relief can be granted; or (2) FILE AN AMENDED COMPLAINT with the Court alleging sufficient facts in support of each of his claims.

In any Amended Complaint, DeBerry must make specific factual allegations that, if proven, would show that he was the victim of discrimination based upon his membership in a protected class and the victim of retaliation based upon protected conduct. DeBerry shall file his written response to this Order or his Amended Complaint by not later than November 17, 2025.

If DeBerry fails to respond to this Order, the Court will dismiss his Complaint without prejudice. (Show Cause Order, ECF No. 8, PageID.23-24.) DeBerry filed a response on November 14, 2025. (See Resp., ECF No. 9.) His response does not address the concerns the Court identified in its Show Cause Order.

The Court directed DeBerry to explain how he was "the victim of unlawful discrimination based upon his membership in a protected class or retaliation based upon protected conduct." (Show Cause Order, ECF No. 8, PageID.23-24.)

In the one-page written portion of his response, DeBerry instead discusses how he has had trouble obtaining new employment because he has not been able to give them an explanation for his previous termination. (See Resp., ECF No. 9, PageID.26.) He also says that he is "not able to determine whether discrimination was a factor" and that "accusing someone of racism would be against my beliefs of humanity, so I leave that up to someone else to determine." (Id.)

The only discernable claim in DeBerry's Complaint is a violation of the discrimination prohibitions in Title VII of the Civil Rights Act of 1964 (see Compl., ECF No. 1, PageID.4-5), but DeBerry still has not alleged or identified any specific facts showing or even suggesting he was unlawfully discriminated against and/or retaliated against.

Because his response does not cure this deficiency, the Court must DISMISS this action. IT IS SO ORDERED. s/Matthew F. Leitman MATTHEW F. LEITMAN UNITED STATES DISTRICT

JUDGE Dated: March 4, 2026 I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 4, 2026, by electronic means and/or ordinary mail. s/Holly A. Ryan Case Manager

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