

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christopher Smith v. Home Depot

Smith v. Home Depot · No. 2:24-cv-1192 DAD AC (PS) · Decided September 23, 2025

SUMMARY

The document is a magistrate judge’s Findings and Recommendations in a Title VII action brought by Christopher Smith against Home Depot in the Eastern District of California. It recommends granting Home Depot’s motion to dismiss the Third Amended Complaint for failure to state a hostile work environment claim and denying further leave to amend. The recommendation was issued on September 22, 2025, and allows 21 days for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 23, 2025
DOCKET	2:24-cv-1192 DAD AC (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on defendant's motion to dismiss the Third Amended Complaint under Federal Rule of Civil Procedure 12(b)(6). The magistrate judge recommended dismissal of the remaining Title VII hostile-work-environment claim without further leave to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, construes them in the plaintiff's favor, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim. Legal conclusions and conclusory allegations need not be accepted as true. Pro se pleadings are construed liberally, but the court may not supply essential elements that were not pleaded.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

motions to dismiss

hostile work environment

title vii

employment discrimination

civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the Third Amended Complaint pleaded sufficient facts to state a Title VII hostile-work-environment claim.
2. Whether plaintiff should receive further leave to amend after repeated opportunities to cure the pleading deficiencies.

HOLDINGS

1. The Third Amended Complaint failed to state a Title VII hostile-work-environment claim because it did not provide specific facts showing that the alleged conduct was sufficiently severe or pervasive or that the supervisor's alleged animosity was based on plaintiff's race.
2. Further leave to amend should be denied because plaintiff had received several opportunities and specific guidance to cure the pleading deficiencies, yet the Third Amended Complaint remained deficient and amendment would be futile.

KEY QUOTATIONS

“To survive dismissal for failure to state a claim, a complaint must contain more than a “formulaic recitation of the elements of a cause of action;” it must contain factual allegations sufficient to “raise a right to relief above the speculative level.”” (III.A)

“Rather, the complaint “must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”” (III.A)

“To establish a prime facie case for a hostile work environment under Title VII, a plaintiff must plead: (1) he was subjected to verbal or physical conduct based on a protected class; (2) the conduct was unwelcome; and (3) the conduct was sufficiently severe or pervasive to alter the conditions of his employment and create an abusive working environment.” (III.B)

“The contents of the TAC make it clear that plaintiff cannot state a hostile work environment claim.” (III.B)

“The undersigned recommends that defendant’s Motion to Dismiss the Third Amended Complaint (ECF No. 29) be GRANTED, and that this case be closed.” (VI)

FACTUAL BACKGROUND

Plaintiff, an African American Home Depot employee, alleged that supervisor Keith B. told coworkers to watch plaintiff because he did not want plaintiff to "rub off" on a new employee and later referred to plaintiff as looking like a "pimp" and being a "sugar daddy." Plaintiff reported the conduct to Human Resources and later was suspended based on an allegedly false accusation that he had threatened Keith B.'s life; he was subsequently

allowed to return to work. In the Third Amended Complaint, plaintiff added only vague allegations that Keith continued to harass him through stares and comments, without describing specific incidents or facts connecting the alleged conduct to plaintiff's race.

PROCEDURAL HISTORY

The action was removed from Sacramento County Superior Court on April 24, 2024. Plaintiff amended his complaint several times after motions to dismiss; the Second Amended Complaint's discrimination and retaliation claims were dismissed, while the hostile-work-environment claim was dismissed with leave to amend. After plaintiff filed a Third Amended Complaint, defendant again moved to dismiss. The magistrate judge recommended granting the motion and closing the case, subject to district-judge review and objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- N. Star Int'l v. Ariz. Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983)
- Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Hebbe v. Pliler, 627 F.3d 338, 340 (9th Cir. 2010)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir.), as amended, 275 F.3d 1187 (9th Cir. 2001)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Nordstrom v. Ryan, 762 F.3d 903, 908 (9th Cir. 2014)
- Ivey v. Board of Regents of University of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Pena v. Gardner, 976 F.2d 469, 471 (9th Cir. 1992)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- Surrell v. California Water Service Co., 518 F.3d 1097, 1108 (9th Cir. 2008)
- Sharp v. S&S Activewear, L.L.C., 69 F.4th 974, 978 (9th Cir. 2023)
- Equal Employment Opportunity Commission v. Tesla, Inc., 727 F. Supp. 3d 875, 890 (N.D. Cal. 2024)
- McGinest v. GTE Service Corp., 360 F.3d 1103, 1115, 1117 (9th Cir. 2004)
- Thinket Ink Information Resources, Inc. v. Sun Microsystems, Inc., 368 F.3d 1053, 1061 (9th Cir. 2004)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

