

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Sieger v. Mullin

No. 25-cv-547 (DLF) (D.D.C. Apr. 14, 2026) · No. 25-cv-547 (DLF) · Decided April 14, 2026

SUMMARY

The United States District Court for the District of Columbia considers the Secretary of Homeland Security’s motion to dismiss Karen Sieger’s Title VII claims alleging race discrimination in non-selections, a hostile work environment, and retaliation. The court concludes that Sieger timely exhausted her claims concerning the Acting Unit Chief position but not the Section Chief position, and it dismisses the Section Chief claim on that basis. The court allows the Acting Unit Chief and Unit Chief discrimination claims to proceed at the pleading stage.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Dabney L. Friedrich
JURISDICTION	United States District Court for the District of Columbia
DECIDED	April 14, 2026
DOCKET	25-cv-547 (DLF)
DISPOSITION	other
PROCEDURAL POSTURE	The defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss a federal employee's Title VII claims for race discrimination in three non-selections, hostile work environment, and retaliation.
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 for relief. Failure to exhaust, although mandatory, is treated as an affirmative defense and may be resolved on a motion to dismiss when the facts establishing it are clear from the pleadings and incorporated materials.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the District of Columbia but not binding precedent on the D.C. Circuit.
PARTIES	Karen Sieger v. Markwayne Mullin, Secretary, Department of Homeland Security

TOPICS

title vii

employment discrimination

racial discrimination

hostile work environment

retaliation

PRACTICE AREAS

employment law

civil rights

federal employment law

civil procedure

QUESTIONS PRESENTED

1. Whether Sieger timely exhausted her Title VII discrimination claims concerning the Section Chief and Acting Unit Chief positions.
2. Whether Sieger plausibly stated a Title VII discrimination claim concerning the Acting Unit Chief position despite not applying for it.
3. Whether Sieger plausibly stated a Title VII discrimination claim concerning the Unit Chief position.
4. Whether the alleged ostracization, criticism, exclusion, and workplace conflicts plausibly constituted a race-based hostile work environment.
5. Whether the alleged retaliatory conduct was materially adverse and causally connected to protected activity under Title VII.

HOLDINGS

1. Sieger's EEO pre-complaint sufficiently exhausted all three non-selection claims because the Section Chief and Acting Unit Chief claims were like or reasonably related to the Unit Chief claim. The Acting Unit Chief claim was not shown at the pleading stage to be untimely, but the Section Chief claim was untimely because Sieger knew of Cooper's selection in September 2020 and did not initiate EEO counseling within 45 days.
2. A plaintiff's failure to apply does not defeat a Title VII non-selection claim when the employer filled the position without soliciting applications and thereby denied the plaintiff an opportunity to compete. Sieger plausibly alleged that Hampton placed Cooper in the Acting Unit Chief role without announcing the opportunity, so the claim survived dismissal.
3. Sieger plausibly stated a Title VII race-discrimination claim concerning the Unit Chief position. A plaintiff need not be the top-ranked candidate to survive a motion to dismiss when the allegations plausibly support an inference that race was the but-for cause of the non-selection.
4. Sieger failed to plausibly allege a Title VII hostile work environment because the alleged ostracization, criticism, workplace conflict, and exclusion were not sufficiently severe or pervasive and were not linked to her race.
5. Sieger failed to state a Title VII retaliation claim because conduct predating protected activity could not have been caused by that activity, and the later criticism and exclusion alleged were not materially adverse actions that would dissuade a reasonable worker from making or supporting a discrimination charge.

KEY QUOTATIONS

“To survive a Rule 12(b)(6) motion, a complaint must contain factual matter sufficient to “state a claim to relief that is plausible on its face.”” (5)

“A claim is “reasonably related” to a charge if, “at a minimum,” the claim would “arise from the administrative investigation that can reasonably be expected to follow the charge of discrimination.”” (7)

“But, under 29 C.F.R. § 1614.105(a)(2), tolling “turns on reasonable knowledge of the event itself, not on reasonable suspicion of the motives behind the event.”” (10)

“The hostility standard is “sufficiently demanding to ensure that Title VII does not become a ‘general civility code.’”” (16)

“Because Sieger fails to plausibly allege materially adverse actions that are causally linked to her engagement in protected activity under Title VII, the Court will grant the Secretary’s motion to dismiss her retaliation claims.” (21)

FACTUAL BACKGROUND

Karen Sieger, a Caucasian woman employed by ICE, alleged that Hampton, an African American supervisor, favored Cooper, an African American employee, in selections for Section Chief, Acting Unit Chief, and Unit Chief positions. Sieger alleged that the Unit Chief selection process was altered through additional interviews and changed criteria, and that Cooper was apparently ineligible or less qualified yet was selected. Sieger also alleged ostracization, criticism, exclusion from an on-site visit, and retaliation after she or a colleague engaged in EEO-related activity.

PROCEDURAL HISTORY

Sieger filed an administrative EEO complaint with DHS and then filed this action on February 24, 2025. The Secretary moved to dismiss. The court granted the motion as to the Section Chief discrimination claim, hostile work environment claim, and retaliation claim, but denied it as to the Acting Unit Chief and Unit Chief discrimination claims.

DISPOSITION

other

CASES CITED

- *Am. Nat. Ins. Co. v. FDIC*, 642 F.3d 1137, 1139 (D.C. Cir. 2011)
- *EEOC v. St. Francis Xavier Parochial Sch.*, 117 F.3d 621, 624 (D.C. Cir. 1997)
- *Vasser v. McDonald*, 228 F. Supp. 3d 1, 9-10 (D.D.C. 2016)
- *Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009)
- *Hettinga v. United States*, 677 F.3d 471, 476 (D.C. Cir. 2012)
- *Payne v. Salazar*, 619 F.3d 56, 65 (D.C. Cir. 2010)

- Douglas v. Donovan, 559 F.3d 549, 556 n.4 (D.C. Cir. 2009)
- Poole v. U.S. Gov't Publ'g Off., 258 F. Supp. 3d 193, 199 (D.D.C. 2017)
- Bowden v. United States, 106 F.3d 433, 437 (D.C. Cir. 1997)
- Smith-Haynie v. District of Columbia, 155 F.3d 575, 578 (D.C. Cir. 1998)
- Park v. Howard Univ., 71 F.3d 904, 907 (D.C. Cir. 1996)
- Haynes v. D.C. Water & Sewer Auth., 924 F.3d 519, 526-27 (D.C. Cir. 2019)
- National Passenger Corp. v. Morgan, 536 U.S. 101, 110-11 (2002)
- Webster v. Del Toro, 49 F.4th 562, 568 (D.C. Cir. 2022)
- Camero v. Vilsack, 2022 WL 17752204, at *3 n.3 (D.D.C. Dec. 19, 2022)
- Ramos v. Lynch, 2015 WL 11303199, at *9 (D.D.C. July 7, 2015)
- Stewart v. Ashcroft, 352 F.3d 422, 425-26 (D.C. Cir. 2003)
- Armstead v. Jewell, 958 F. Supp. 2d 242, 246 (D.D.C. 2013)
- Drielak v. Pruitt, 890 F.3d 297, 299 (D.C. Cir. 2018)
- Brigida v. Chao, 2020 WL 12848947, at *2 (D.D.C. Apr. 5, 2020)
- Lathram v. Snow, 336 F.3d 1085, 1089, 1093 (D.C. Cir. 2003)
- Baloch v. Kempthorne, 550 F.3d 1191, 1196, 1201 (D.C. Cir. 2008)
- Vatel v. Alliance of Auto. Mfrs., 627 F.3d 1245, 1247 (D.C. Cir. 2011)
- Wiley v. Glassman, 511 F.3d 151, 155 (D.C. Cir. 2007)
- Townsend v. United States, 236 F. Supp. 3d 280, 298 (D.D.C. 2017)
- Joyner v. Morrison & Foerster LLP, 140 F.4th 523, 530 (D.C. Cir. 2025)
- Adeyemi v. District of Columbia, 525 F.3d 1222, 1227 (D.C. Cir. 2008)
- Aka v. Washington Hosp. Ctr., 156 F.3d 1284, 1294 (D.C. Cir. 1998) (en banc)
- Brown v. McDonough, 2024 WL 1344417, at *7 (D.D.C. Mar. 29, 2024)
- Morris v. McCarthy, 825 F.3d 658, 669-70 (D.C. Cir. 2016)
- Harris v. Forklift Sys., Inc., 510 U.S. 17, 21 (1993)
- Oncale v. Sundowner Offshore Servs., Inc., 523 U.S. 75, 80 (1998)
- Barbour v. Browner, 181 F.3d 1342, 1348-49 (D.C. Cir. 1999)
- Freedman v. MCI Telecomms. Corp., 255 F.3d 840, 849 (D.C. Cir. 2001)
- Allen v. Napolitano, 774 F. Supp. 2d 186, 205 (D.D.C. 2011)
- Hampton v. Vilsack, 760 F. Supp. 2d 38, 57 (D.D.C. 2011), aff'd, 685 F.3d 1096 (D.C. Cir. 2012)
- Sledge v. District of Columbia, 63 F. Supp. 3d 1, 24 (D.D.C. 2014)
- Spence v. U.S. Dep't of Veterans Affs., 109 F.4th 531, 539 (D.C. Cir. 2024)
- Rochon v. Gonzales, 438 F.3d 1211, 1219 (D.C. Cir. 2006)
- Lewis v. District of Columbia, 653 F. Supp. 2d 64, 79 (D.D.C. 2009)
- Blackmon-Malloy v. U.S. Capitol Police Bd., 2024 WL 4298853, at *56 (D.D.C. Sept. 26, 2024)
- Bridgeforth v. Jewell, 721 F.3d 661, 663 (D.C. Cir. 2013)
- Burlington Northern & Santa Fe Railway Co. v. White, 548 U.S. 53, 68 (2006)

- *Clemmons v. Acad. for Educ. Dev.*, 107 F. Supp. 3d 100, 128 (D.D.C. 2015)

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