

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Dowell v. Department of the Interior, et al.

Dowell · No. 3:24-cv-00697 · Decided June 1, 2026

SUMMARY

The court overruled the plaintiff’s objections to a magistrate judge’s report and recommendation and granted the Secretary of the Interior’s motion to dismiss improper parties and state-law tort claims. The court held that Doug Burgum, in his official capacity as Secretary of the Interior, was the proper defendant for the Title VII claims, while the Department of the Interior and individual defendants were improper defendants for those claims. It further held that the plaintiff failed to satisfy the Federal Tort Claims Act’s defendant and administrative-exhaustion requirements and had not shown that the individual defendants acted outside the scope of their employment.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Aleta A. Trauger
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	June 1, 2026
DOCKET	3:24-cv-00697
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed de novo the plaintiff's objections to a magistrate judge's report and recommendation concerning the Secretary of the Interior's motion to dismiss improper parties and state-law tort claims.
STANDARD OF REVIEW	De novo review of portions of a magistrate judge's report and recommendation to which specific objections were made under Federal Rule of Civil Procedure 72(b)(3); unobjected-to portions need not be reviewed de novo.
PRECEDENTIAL VALUE	unpublished
PARTIES	Debbie L. Dowell v. Department of the Interior, Doug Burgum, Secretary of the Interior, Brenda Red Wing, Bryan Bald Eagle, Eric

TOPICS

motions to dismiss subject matter jurisdiction civil procedure title vii employment discrimination

PRACTICE AREAS

civil procedure employment law federal employment law civil rights torts sovereign immunity

QUESTIONS PRESENTED

1. Whether the individual defendants and the Department of the Interior were proper defendants for Dowell's federal employment-discrimination claims.
2. Whether Dowell's state-law tort claims were barred for failure to name the United States as the defendant in an FTCA action.
3. Whether Dowell exhausted her state-law tort claims as required by the Federal Tort Claims Act.
4. Whether the individual defendants' alleged employment-related conduct was outside the scope of their employment so that state-law claims against them could proceed.
5. Whether the negligent-supervision claim was barred by the FTCA discretionary-function exception or, alternatively, by failure to exhaust administrative remedies.

HOLDINGS

1. The Secretary of the Interior, sued in his official capacity, is the proper defendant for Dowell's Title VII federal employment-discrimination claims; the Department of the Interior and the individual employees were improper defendants for those claims.
2. The United States, and not a federal agency or individual federal employee acting within the scope of employment, is the only proper defendant for a claim cognizable under the FTCA.
3. Dowell's state-law tort claims had to be dismissed because she did not establish that she first presented those claims to the appropriate federal agency as required by the FTCA.
4. Dowell's allegations that Brenda Red Wing denied her a promotion in retaliation for protected conduct described conduct within the scope of Red Wing's employment, not conduct outside that scope; the related tort claims against the individual defendants therefore could not proceed.
5. The negligent-supervision claim had to be dismissed in any event: if the anti-harassment policy made the challenged conduct nondiscretionary, the claim was still barred by failure to exhaust; otherwise, supervisory decisions fall within the FTCA discretionary-function exception.

KEY QUOTATIONS

“The FTCA does not authorize claims directly against federal agencies; instead, it only authorizes suits against the United States.”

“The plaintiff did not name the United States as a defendant, and the court lacks subject matter jurisdiction to consider the claims against the individual defendants and the DOI if those claims could have been brought against the United States based on the waiver provided by the FTCA.”

“In either event, the claim must be dismissed.”

FACTUAL BACKGROUND

Dowell alleged that she worked for the Bureau of Indian Affairs, an agency within the Department of the Interior, and experienced sexual harassment, retaliation, discriminatory treatment, and denial of a promotion. She alleged that she was terminated after reporting sexual harassment, later reinstated after a successful Merit Systems Protection Board appeal, and denied a GS-13 supervisory promotion. She asserted Title VII claims and state-law tort claims against the Department of the Interior, the Secretary, and several individual employees.

PROCEDURAL HISTORY

Dowell filed the action in June 2024 and later filed a Third Amended Complaint asserting Title VII employment-discrimination claims and state-law claims for intentional infliction of emotional distress, negligent infliction of emotional distress, and negligent supervision. The magistrate judge recommended dismissing the individual defendants and the state-law claims while allowing Title VII claims against the Secretary in his official capacity. The district court overruled the objections, granted the motion to dismiss, and left only the Title VII discrimination and retaliation claims against Doug Burgum in his official capacity.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150-51 (1985)
- Cole v. Yukins, 7 F. App'x 354, 356 (6th Cir. 2001)
- Langley v. DaimlerChrysler Corp., 502 F.3d 475, 483 (6th Cir. 2007)
- Indeck Energy Services, Inc. v. Consumers Energy Co., 250 F.3d 972, 979 (6th Cir. 2000)
- Howard v. Secretary of Health & Human Services, 932 F.2d 505, 509 (6th Cir. 1991)
- Murr v. United States, 200 F.3d 895, 902 n.1 (6th Cir. 2000)
- Williams v. Curtin, 631 F.3d 380, 383 (6th Cir. 2011)
- Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989)
- Clark v. Stone, 998 F.3d 287, 294 (6th Cir. 2021)
- Moir v. Greater Cleveland Regional Transit Authority, 895 F.2d 266, 269 (6th Cir. 1990)
- United States v. Sherwood, 312 U.S. 584, 586 (1941)
- Stocker v. United States, 705 F.3d 225, 230 (6th Cir. 2013)
- Levin v. United States, 568 U.S. 503, 506-07, 510 (2013)
- Richards v. United States, 369 U.S. 1, 6 (1962)

- *Simmons v. Himmelreich*, 578 U.S. 621, 625, 627-28 (2016)
- *Rector v. United States*, 243 F. App'x 976, 978 (6th Cir. 2007)
- *RMI Titanium Co. v. Westinghouse Electric Corp.*, 78 F.3d 1125, 1143 (6th Cir. 1996)
- *Dickson v. Wojcik*, 22 F. Supp. 3d 830, 836 (W.D. Mich. 2014)
- *Glarner v. U.S. Department of Veterans Administration*, 30 F.3d 697, 700 (6th Cir. 1994)
- *Adu-Beniako v. Reimann*, No. 20-cv-12402, 2021 WL 4310612, at *5 (E.D. Mich. Sept. 22, 2021)
- *Mynatt v. United States*, 45 F.4th 889, 894-95 (6th Cir. 2022)
- *Stout v. United States*, 721 F. App'x 462, 467, 472 (6th Cir. 2018)
- *Roberts v. United States*, 191 F. App'x 338, 341 (6th Cir. 2006)
- *Singleton v. United States*, 277 F.3d 864, 870 (6th Cir. 2002)
- *Ellington v. Cajun Operating Co.*, No. W2020-00087-COA-R3-CV, 2021 WL 507888, at *4 (Tenn. Ct. App. Feb. 10, 2021)
- *Hughes v. Metropolitan Government*, 340 S.W.3d 352, 363, 366 (Tenn. 2011)
- *Kohl v. United States*, 699 F.3d 935, 939-40 (6th Cir. 2012)
- *Snyder v. United States*, 590 F. App'x 505, 509-10 (6th Cir. 2014)
- *Rosebush v. United States*, 119 F.3d 438, 441 (6th Cir. 1997)
- *Mulhall v. Ashcroft*, 287 F.3d 543, 550 (6th Cir. 2002)