

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Coretta Collier v. David P. Steiner, Postmaster General, and Victoria
Polito

Collier · No. CIV-24-1224-D · Decided December 22, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma considers a motion to dismiss employment discrimination claims brought by a pro se United States Postal Service employee. The court allows the plaintiff’s race-discrimination and Rehabilitation Act claims to proceed, while dismissing without prejudice her EEO-retaliation and hostile-work-environment claims. The court also dismisses the individual defendant, Victoria Polito, because the Postmaster General is the proper defendant for the federal employment claims.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 22, 2025
DOCKET	CIV-24-1224-D
DISPOSITION	other
PROCEDURAL POSTURE	Defendant David P. Steiner moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's employment-discrimination complaint. The court denied dismissal of the race-discrimination and Rehabilitation Act claims and dismissed the EEO-retaliation and hostile-work-environment claims without prejudice and without leave to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views them in the plaintiff's favor, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim. Pro se pleadings are liberally construed, but the court may not act as the pro se litigant's advocate.
PRECEDENTIAL VALUE	unknown

PARTIES

Coretta Collier v. David P. Steiner, Postmaster General, Victoria Polito

TOPICS

motions to dismiss

title vii

employment discrimination

retaliation

hostile work environment

PRACTICE AREAS

employment law

civil rights

federal employment law

civil procedure

disability discrimination

QUESTIONS PRESENTED

1. Whether Collier plausibly alleged race-based disparate-treatment discrimination under Title VII.
2. Whether Collier plausibly alleged EEO retaliation under Title VII.
3. Whether Collier plausibly alleged a hostile work environment based on race, disability, or protected activity.
4. Whether Collier's disability-discrimination and failure-to-accommodate claims were properly construed under the Rehabilitation Act rather than the ADA and survived Rule 12(b)(6) dismissal.
5. Whether Victoria Polito should remain an individual defendant in the employment-discrimination action.

HOLDINGS

1. The complaint plausibly alleged race-based disparate-treatment discrimination and therefore survived the Rule 12(b)(6) motion.
2. Collier failed to plausibly allege a causal connection between her EEO activity and the alleged retaliatory conduct; the retaliation claim was dismissed without prejudice and without leave to amend.
3. The alleged isolated altercation, investigative interview, suspension, and single alleged racial remark did not plausibly establish a workplace permeated by discrimination sufficiently severe or pervasive to alter the conditions of employment; the hostile-work-environment claim was dismissed without prejudice and without leave to amend.
4. The court construed Collier's disability-related claims as claims under the Rehabilitation Act rather than the ADA and denied dismissal because Defendant offered no other basis for dismissing those claims.
5. Victoria Polito was dismissed from the action in her individual capacity because Collier conceded that the Postmaster General was the proper agency defendant and did not oppose Polito's dismissal.

KEY QUOTATIONS

“Accordingly, Defendant’s motion to dismiss is denied as to Plaintiff’s race- based discrimination claim.”

“Plaintiff’s claims of EEO retaliation and hostile work environment are hereby DISMISSED WITHOUT PREJUDICE but without leave to amend.”

FACTUAL BACKGROUND

Collier, an African American female employee of the United States Postal Service, alleged that supervisor Victoria Polito reassigned her to a route for which she had not been trained, refused to train her, removed her from the schedule, and made a racial remark referring to her as "Aunt Jemima." Collier filed EEO complaints and later received a notice of removal that was reduced to a 14-day suspension. She also alleged asthma-related limitations, requested delivery routes without dirt roads, and claimed that USPS denied or failed to resolve her accommodation request while keeping her off the work schedule.

PROCEDURAL HISTORY

Collier filed suit against the Postmaster General and Victoria Polito based on alleged race and disability discrimination, retaliation, hostile work environment, and failure to accommodate. Steiner moved to dismiss all claims under Rule 12(b)(6). Collier responded pro se, conceded that the Postmaster General was the proper agency defendant, and did not oppose dismissal of Polito in her individual capacity. The court dismissed Polito and ruled on the remaining claims in the December 22, 2025 order.

DISPOSITION

other

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Smith v. United States, 561 F.3d 1090, 1098 (10th Cir. 2009)
- Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Khalik v. United Air Lines, 671 F.3d 1188, 1192 (10th Cir. 2012)
- Morman v. Campbell County Memorial Hospital, 632 F. App'x 927, 933 (10th Cir. 2015)
- Throupe v. University of Denver, 988 F.3d 1243, 1252 (10th Cir. 2021)
- EEOC v. PVNF, L.L.C., 487 F.3d 790, 800 (10th Cir. 2007)
- Meiners v. University of Kansas, 359 F.3d 1222, 1229 (10th Cir. 2004)
- Juarez v. Utah, 263 F. App'x 726, 739 (10th Cir. 2008)
- Montes v. Vail Clinic, Inc., 497 F.3d 1160, 1169-70 (10th Cir. 2007)
- Herrera v. Lufkin Industries, Inc., 474 F.3d 675, 680 (10th Cir. 2007)
- Chavez v. New Mexico, 397 F.3d 826, 832 (10th Cir. 2005)
- Woodman v. Runyon, 132 F.3d 1330, 1338 (10th Cir. 1997)
- Vidacak v. Potter, 81 F. App'x 721, 723 (10th Cir. 2003)
- Norwood v. United Parcel Service, Inc., 57 F.4th 779, 786 (10th Cir. 2023)
- Dansie v. Union Pacific Railroad Co., 42 F.4th 1184, 1192 (10th Cir. 2022)
- Padilla v. Mnuchin, 836 F. App'x 674, 676 n.1 (10th Cir. 2020)
- Ash v. Buttigieg, No. CIV-22-371-R, 2022 WL 17225732, at *5 (W.D. Okla. Oct. 24, 2022)

- *Burnett v. Mortgage Electronic Registration Systems, Inc.*, 706 F.3d 1231, 1238 n.4 (10th Cir. 2013)
- *Brooks v. Mentor Worldwide LLC*, 985 F.3d 1272, 1283 (10th Cir. 2021)
- *Hall v. Witteman*, 584 F.3d 859, 868 (10th Cir. 2009)

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