

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, AUSTIN DIVISION

Karen Nicole Beard v. Omni Hotel Management Corporation

Beard v. Omni Hotel Management Corporation, No. 1:25-CV-1975-DAE (W.D. Tex. Jan. 23, 2026) · No. No. 1:25-CV-1975-DAE · Decided January 23, 2026

SUMMARY

The United States Magistrate Judge grants Karen Nicole Beard’s application to proceed in forma pauperis and conducts the required screening under 28 U.S.C. § 1915(e). The court recommends dismissal with prejudice of Beard’s Title VII and ADEA discrimination, retaliation, hostile-work-environment, and constructive-discharge claims against Omni Hotel Management Corporation for failure to state a claim.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Austin Division
WRITING FOR THE COURT	Dustin M. Howell
JURISDICTION	United States District Court for the Western District of Texas, Austin Division
DECIDED	January 23, 2026
DOCKET	No. 1:25-CV-1975-DAE
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff sought leave to proceed in forma pauperis. The magistrate judge granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2), and recommended dismissal with prejudice; the recommendation was submitted to the assigned district judge for review.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis action at any time if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant. A complaint is frivolous when it lacks an arguable basis in law or fact, and pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	Unknown; magistrate judge report and recommendation

PARTIES

Karen Nicole Beard v. Omni Hotel Management Corporation

TOPICS

civil procedure

title vii

employment discrimination

retaliation

hostile work environment

PRACTICE AREAS

employment law

civil rights

federal employment law

civil procedure

QUESTIONS PRESENTED

1. Whether Beard should be granted leave to proceed in forma pauperis.
2. Whether Beard's complaint stated plausible Title VII or ADEA discrimination claims based on race, color, national origin, age, or sex.
3. Whether Beard stated a Title VII retaliation claim by alleging protected activity, an adverse employment action, and a causal connection.
4. Whether Beard stated a Title VII hostile-work-environment claim based on alleged sexual harassment and other workplace conduct.
5. Whether constructive discharge constituted an independent cause of action and, if not, whether the alleged conditions supported constructive discharge.

HOLDINGS

1. Beard was indigent and should be granted leave to proceed in forma pauperis.
2. The complaint should be dismissed with prejudice under 28 U.S.C. § 1915(e)(2)(B) because the pleaded claims failed to state a claim on which relief could be granted.
3. Beard failed to state discrimination claims based on sex, national origin, age, race, or color because she did not plead facts plausibly showing that Omni took an adverse employment action because of a protected characteristic.
4. Beard failed to state a Title VII retaliation claim because she did not allege facts showing protected activity, a materially adverse employment action, and a causal connection between the two.
5. Beard failed to state a Title VII hostile-work-environment claim because the alleged sexual harassment by a client, supervisory jealousy, lack of sympathy after her father's death, and related conduct were not sufficiently severe or pervasive to alter the conditions of employment.
6. Constructive discharge is not itself a cause of action but an alternative method of proving an adverse employment action; Beard's constructive-discharge theory also failed because she did not plead harassment sufficient to support it.

KEY QUOTATIONS

"A complaint is frivolous if it "lacks an arguable basis either in law or in fact."" (Section II)

“To establish hostile work environment, plaintiffs ... must show harassing behavior sufficiently severe or pervasive to alter the conditions of their employment.” (Section II)

“The undersigned RECOMMENDS the District Judge DISMISS Beard’s causes of action with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B).” (Section III)

FACTUAL BACKGROUND

Beard alleged that Omni discriminated against her based on race, color, national origin, age, and sex, and retaliated against her while she worked as an on-call substitute fitness instructor. Her allegations included a comment during her interview about her dark skin and name, placement in an on-call rather than full-time position, assignment to low-attendance classes, failure to provide private-training clients, and treatment she considered hostile. She also alleged sexual harassment by a client, lack of an adequate response by Omni, and insensitive treatment after her father's death. The court found that the allegations did not plausibly connect Omni's employment decisions to a protected trait or protected activity and were not sufficiently severe or pervasive to establish a hostile work environment.

PROCEDURAL HISTORY

Beard filed an employment-discrimination complaint against Omni and an application to proceed in forma pauperis. The magistrate judge found Beard indigent and granted the application, but after statutory screening recommended that her Title VII and ADEA claims, including discrimination, retaliation, hostile work environment, and constructive-discharge theories, be dismissed with prejudice for failure to state a claim. Service was ordered withheld pending the district judge's review of the recommendation.

DISPOSITION

remanded

REMAND INSTRUCTIONS

No remand to a lower court was ordered. The magistrate judge granted in forma pauperis status and recommended dismissal with prejudice; service was to be withheld pending the district judge's review. If the district judge declined to adopt the recommendation, service was to issue.

CASES CITED

- Moore v. McDonald, 30 F.3d 616, 621 (5th Cir. 1994)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Farguson v. MBank Houston N.A., 808 F.2d 358, 359 (5th Cir. 1986)
- Gallentine v. Housing Authority of City of Port Arthur, 919 F. Supp. 2d 787, 804 (E.D. Tex. 2013)
- Woldetadik v. 7-Eleven, Inc., 881 F. Supp. 2d 738, 741 (N.D. Tex. 2012)
- Green v. Brennan, 578 U.S. 547, 556 (2016)

- Wells v. City of Alexandria, No. 03-30750, 2004 WL 909735, at *3 (5th Cir. Apr. 29, 2004)
- Brown v. Kinney Shoe Corp., 237 F.3d 556, 566 (5th Cir. 2001)
- Phillips v. United Parcel Service, No. 3:10-CV-1197-G-BH, 2011 WL 2680725, at *5 (N.D. Tex. June 21, 2011)
- English v. Perdue, 777 F. App'x 94, 100 (5th Cir. 2019)
- Central & Southwest Services, Inc. v. U.S. Environmental Protection Agency, 220 F.3d 683, 699 (5th Cir. 2000)
- Wright v. Union Pacific Railroad Co., 990 F.3d 428, 433 (5th Cir. 2021)
- Nunez-Renck v. International Business Machines Corp., No. 3:23-CV-1308-D, 2023 WL 5986463, at *5 (N.D. Tex. Sept. 14, 2023)
- Pennsylvania State Police v. Suders, 542 U.S. 129, 133 (2004)
- Perches v. Elcom, Inc., 500 F. Supp. 2d 684, 691 (W.D. Tex. 2007)
- Shepherd v. Comptroller of Public Accounts, 168 F.3d 871, 874 (5th Cir. 1999)
- Battle v. United States Parole Commission, 834 F.2d 419, 421 (5th Cir. 1987)
- Thomas v. Arn, 474 U.S. 140, 150-53 (1985)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)