

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
LOUISIANA

Delores S. Harris v. Gina Lagarde, et al.

Harris · No. No. 24-680-SDJ · Decided April 6, 2026

SUMMARY

The United States District Court for the Middle District of Louisiana dismisses Delores S. Harris’s in forma pauperis complaint against employees of the Louisiana Department of Health and another defendant. The court holds that the cited statutes do not support her defamation, breach-of-contract, and age-discrimination claims, and that her Title VII and ADEA claims are unripe because she did not exhaust administrative remedies. The defamation and breach-of-contract claims are dismissed with prejudice, while the ADEA and Title VII claims are dismissed without prejudice, and the case is closed.

CASE DETAILS

COURT	United States District Court for the Middle District of Louisiana
WRITING FOR THE COURT	Scott D. Johnson
JURISDICTION	United States District Court for the Middle District of Louisiana
DECIDED	April 6, 2026
DOCKET	No. 24-680-SDJ
DISPOSITION	other
PROCEDURAL POSTURE	The court screened a pro se plaintiff’s in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B), following a Spears hearing, and dismissed the asserted federal claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint may be dismissed at any time if it is frivolous, fails to state a claim, or seeks monetary relief from an immune defendant. For failure to state a claim, the court applies the Rule 12(b)(6) standard, accepting well-pleaded facts as true and viewing them in the light most favorable to the plaintiff. Pro se pleadings are construed liberally.
PRECEDENTIAL VALUE	Unknown; district-court order with no reported citation
PARTIES	Delores S. Harris v. Gina Lagarde, Trina Davis, Jeffrey Nelson, T’Nia Dubose, Jaimie Jakes Bailey

TOPICS

civil procedure

employment discrimination

title vii

age discrimination

retaliation

PRACTICE AREAS

civil procedure

employment law

civil rights

federal employment law

QUESTIONS PRESENTED

1. Whether Harris's claim under 28 U.S.C. § 4101 stated a federal defamation claim.
2. Whether Harris stated a breach-of-contract claim under 41 U.S.C. § 6503.
3. Whether 42 U.S.C. § 1981 provides a cause of action for age discrimination.
4. Whether Harris stated an ADEA claim despite failing to allege exhaustion of administrative remedies and essential age-discrimination facts.
5. Whether Harris's Title VII discrimination, harassment, retaliation, and wrongful-termination claims were subject to dismissal for failure to exhaust administrative remedies.
6. Whether amendment of the complaint would be futile.

HOLDINGS

1. Section 4101 contains definitions used in enforcing foreign judgments and does not provide a federal cause of action for defamation; Harris's defamation claim therefore failed to state a claim.
2. Harris failed to state a claim under 41 U.S.C. § 6503 because she did not identify a qualifying federal-agency contract for the manufacture or furnishing of materials, supplies, articles, or equipment exceeding \$10,000.
3. Section 1981 prohibits racial discrimination, not age discrimination, so Harris could not bring a viable age-discrimination claim under § 1981.
4. Harris's age-discrimination claim was deficient because she did not allege exhaustion of the EEOC prerequisite, membership in the protected age class, replacement by a younger person, or less favorable treatment than similarly situated younger employees.
5. Harris's Title VII claims for racial discrimination, harassment, retaliation, and wrongful termination were not ripe for federal adjudication because she did not exhaust administrative remedies by filing a timely EEOC charge and receiving a notice of right to sue.
6. Leave to amend was denied as futile because Harris attempted to proceed under improper federal statutes and had not exhausted the required administrative remedies.

KEY QUOTATIONS

"Nonetheless, even the most liberally construed IFP complaint can be dismissed at any time, regardless of service or the filing of an answer, if the court determines the case: (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." (II.A)

“It does not provide a federal cause of action for defamation . . .” (II.B.a)

“Section 1981 “prohibits only racial discrimination,” not age discrimination.” (II.B.c)

“Employment discrimination plaintiffs must exhaust administrative remedies before pursuing claims in federal court.” (II.B.d)

FACTUAL BACKGROUND

Pro se plaintiff Delores Harris alleged that, while employed as an Administrative Program Coordinator 4 and Safety Liaison with the Louisiana Department of Health/Office of Public Health, she reported clutter and disarray in the office of Medical Director Gina Lagarde. Harris alleged that defendants retaliated and discriminated against her in response and that her employment was terminated on February 27, 2024. She asserted claims under statutes concerning defamation, breach of contract, age discrimination, and Title VII racial discrimination, harassment, retaliation, and wrongful termination.

PROCEDURAL HISTORY

Harris filed suit on August 20, 2024, and was granted leave to proceed in forma pauperis. After she failed to appear at an initially scheduled Spears hearing, the court issued a show-cause order; she appeared at the subsequent hearing, where the court denied her request for appointed counsel and considered her claims. The court dismissed the defamation and breach-of-contract claims with prejudice, dismissed the ADEA and Title VII claims without prejudice for failure to exhaust administrative remedies, and closed the case.

DISPOSITION

other

CASES CITED

- Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Neitzke v. Williams, 490 U.S. 319, 325, 327-28 (1989)
- Hicks v. Garner, 69 F.3d 22, 24 (5th Cir. 1995)
- Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992)
- Hart v. Hairston, 343 F.3d 762, 763-64 (5th Cir. 2003)
- Baker v. Putnal, 75 F.3d 190, 196 (5th Cir. 1996)
- Benton v. U.S., 960 F.2d 19, 21 (5th Cir. 1992)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Great Plains Trust Co. v. Morgan Stanley Dean Witter & Co., 313 F.3d 305, 329 (5th Cir. 2002)
- Jamieson By and Through Jamieson v. Shaw, 772 F.2d 1205, 1209 (5th Cir. 1985)

- *Stripling v. Jordan Prod. Co., LLC*, 234 F.3d 863, 873 (5th Cir. 2000)
- *Robertson v. F.B.I.*, No. 22-5277, 2023 WL 2027833, at *3 (W.D. La. Jan. 31, 2023)
- *Mills v. Dollar Gen. Corporate Office*, No. 21-368, 2021 WL 4851065, at *3 (M.D. La. Oct. 18, 2021)
- *Evans v. City of Houston*, 246 F.3d 344, 356 n. 9 (5th Cir. 2001)
- *Alizadeh v. Safeway Stores, Inc.*, 802 F.2d 111, 114 (5th Cir. 1986)
- *S.E.C. v. AMX, Int'l, Inc.*, 7 F.3d 71, 75 (5th Cir. 1993)
- *Glick v. Greatwide Logistics Servs., LLC*, No. 12-246, 2013 WL 2355398, at *3 (N.D. Tex. May 29, 2013)
- *Moss v. BMC Software, Inc.*, 610 F.3d 917, 922 (5th Cir. 2010)
- *Long v. Eastfield Coll.*, 88 F.3d 300, 305 n. 4 (5th Cir. 1996)
- *Leal v. McHugh*, 731 F.3d 405, 410-11 (5th Cir. 2013)
- *Smith v. City of Jackson, Miss.*, 351 F.3d 183, 196 (5th Cir. 2003)
- *Durham v. Ascension Parish Sch. Bd.*, No. 14-445, 2015 WL 3456646, at *3 (M.D. La. May 29, 2015)
- *Rachid v. Jack in the Box, Inc.*, 376 F.3d 305, 309 n. 5 (5th Cir. 2004)
- *Hardy v. Shell Chem. Co.*, 693 F. Supp. 2d 611, 620 (E.D. La. 2010)
- *Berquist v. Wash. Mut. Bank*, 500 F.3d 344, 353 (5th Cir. 2007)
- *Lee v. Kan. City S. Ry. Co.*, 574 F.3d 253, 259 (5th Cir. 2009)
- *Johnson v. Bd. of Supervisors of La. State Univ. Agric. & Mech. Coll.*, 90 F.4th 449, 455 (5th Cir. 2024)
- *Jones v. FJC Sec. Servs., Inc.*, 40 F. Supp. 3d 840, 847 (S.D. Tex. 2014)
- *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378-79 (5th Cir. 2002)
- *Dao v. Auchan Hypermarket*, 96 F.3d 787, 788-89 (5th Cir. 1996)
- *Hoffman v. Boeing*, 596 F.2d 683, 685 (5th Cir. 1979)
- *Kelley v. Garland*, No. 21-15, 2023 WL 4003299, at *5 (N.D. Tex. May 23, 2023)

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