

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Frostie Ellis-Yancey v. Midwest Block & Brick/Quikrete Company

Ellis-Yancey · No. 4:25-cv-00822-JMB · Decided January 14, 2026

SUMMARY

On initial review of a self-represented plaintiff’s in forma pauperis employment-discrimination complaint, the court dismissed her Title VII claims based on race, color, and gender because those claims were not administratively exhausted. The court found a plausible claim under the Age Discrimination in Employment Act and directed service on the defendant.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	January 14, 2026
DOCKET	4:25-cv-00822-JMB
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a self-represented plaintiff's complaint filed in forma pauperis under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint must be dismissed if it is frivolous or malicious or fails to state a claim upon which relief can be granted. The court applied the facial-plausibility standard under Ashcroft v. Iqbal.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Frostie Ellis-Yancey v. Midwest Block & Brick/Quikrete Company

TOPICS

- age discrimination
- employment discrimination
- title vii
- pleadings
- civil procedure

PRACTICE AREAS

- employment law
- civil rights
- federal employment law
- civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for age discrimination under the Age Discrimination in Employment Act.
2. Whether the plaintiff exhausted administrative remedies for Title VII claims alleging discrimination based on race, color, and gender.
3. Whether the complaint should be dismissed in part during mandatory initial review under 28 U.S.C. § 1915(e)(2)(B).

HOLDINGS

1. The complaint stated a plausible claim against the employer for age discrimination under the ADEA, and the court directed service on the defendant as to that claim.
2. The plaintiff's Title VII claims based on race, color, and gender were dismissed because she did not administratively exhaust those claims.
3. Because the plaintiff proceeded in forma pauperis, the court was required to conduct pre-service review and dismiss claims that were frivolous, malicious, or failed to state a claim.

KEY QUOTATIONS

"This employment discrimination case is before the Court on initial review of self-represented Plaintiff Frostie Ellis-Yancey's complaint." (Opinion at 1)

"Therefore, a plaintiff's claims of employment discrimination in his or her complaint 'may be as broad as the scope of the EEOC investigation which reasonably could be expected to result from the administrative charge.'" (Opinion at 3)

"Because Plaintiff has not administratively exhausted any claims of employment discrimination based on race, color, or gender, the Court will dismiss these claims." (Opinion at 4)

FACTUAL BACKGROUND

Plaintiff worked for Midwest Block & Brick/Quikrete Company for approximately 40 years. In May 2024, she sought to transfer to the company's Houston, Texas, office to be closer to family and allegedly had a successful interview on May 15, 2024. She alleged that the employer denied the transfer because she was 65 or 66 and was believed to be nearing retirement, leaving her without health insurance until Medicare eligibility and without paychecks.

PROCEDURAL HISTORY

Plaintiff filed an employment-discrimination complaint alleging discrimination based on race, color, gender, and age arising from the denial of an employment transfer. The court reviewed the complaint, the EEOC charge, and the EEOC notice of right to sue before service. It dismissed the Title VII claims based on race, color, and gender, while finding a plausible ADEA age-discrimination claim and directing service on the defendant.

DISPOSITION

other

CASES CITED

- Carter v. Schafer, 273 Fed. Appx. 581 (8th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Duncan v. Delta Consol. Indus., Inc., 371 F.3d 1020, 1024 (8th Cir. 2004)
- Ringhofer v. Mayo Clinic, Ambulance, 102 F.4th 894, 899 (8th Cir. 2024)
- Parisi v. Boeing Co., 400 F.3d 583, 585 (8th Cir. 2005)

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