

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA, NORTHEASTERN DIVISION

Cedric Warren v. Department of Defense, et al.

Warren v. Department of Defense, No. 5:24-cv-1456-HDM (N.D. Ala. Apr. 7, 2026) · No. 5:24-cv-1456-HDM ·
Decided April 7, 2026

SUMMARY

The United States District Court for the Northern District of Alabama considers Secretary Pete Hegseth’s motion to dismiss Cedric Warren’s Second Amended Complaint alleging Title VII retaliation, race discrimination, hostile work environment, Rehabilitation Act disability discrimination, and Fifth Amendment violations. The court holds that Secretary Hegseth is the only proper defendant and that venue is sufficiently alleged, while dismissing the claims against the Department of Defense and Defense Intelligence Agency. The court allows the retaliation claim to proceed only based on termination and the race-discrimination claim to proceed only based on interference with telework and reassignment efforts, dismissing the remaining claims and grounds.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama, Northeastern Division
JURISDICTION	United States District Court for the Northern District of Alabama, Northeastern Division
DECIDED	April 7, 2026
DOCKET	5:24-cv-1456-HDM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Pete Hegseth moved under Rule 12(b)(6) to dismiss the plaintiff's Second Amended Complaint, and also challenged venue under Rule 12(b)(3).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true, views facts in the light most favorable to the plaintiff, and asks whether the complaint states a plausible claim for relief. On a Rule 12(b)(3) venue motion, the court may resolve factual disputes necessary to determine venue so long as doing so does not adjudicate the merits.

PRECEDENTIAL VALUE

unpublished district-court memorandum opinion; precedential status not stated

TOPICS

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title vii

retaliation

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether venue was adequately alleged in the Northern District of Alabama under Title VII's venue provision.
2. Whether the Department of Defense and Defense Intelligence Agency were proper defendants in a federal employee Title VII and Rehabilitation Act action.
3. Whether Warren's claims based on acts included in his first EEO complaint were untimely.
4. Whether Warren could sue on claims raised in his second EEO complaint after more than 180 days had elapsed without final agency action.
5. Whether unexhausted retaliation theories could proceed as retaliation claims growing out of properly exhausted claims.
6. Whether the race-discrimination theory based on impeded telework and reassignment efforts was exhausted and timely.
7. Whether the disability-discrimination and hostile-work-environment theories were exhausted and timely.
8. Whether the Fifth Amendment due-process claim was preempted by the Civil Service Reform Act.

HOLDINGS

1. Venue was sufficiently alleged because Warren plausibly claimed that, but for the alleged unlawful denial of reassignment, he would have worked in the Northern District of Alabama; resolving the competing factual account would adjudicate the merits.
2. The Secretary of Defense was the only proper defendant for Warren's Title VII and Rehabilitation Act employment claims; the Department of Defense and Defense Intelligence Agency were not proper defendants.
3. Claims based on discrete acts raised in Warren's first EEO complaint were time-barred because he did not file suit within ninety days after the EEOC affirmed dismissal of that complaint.
4. Warren did not prematurely file suit on claims based on his second EEO complaint because more than 180 days had elapsed after that complaint was filed without final agency action.
5. Only Warren's retaliation theory based on constructive termination could proceed. The theories based on revocation of system access, leave without pay, and spreading false narratives were dismissed because

they were untimely or unexhausted and could not attach to a properly presented judicial claim.

6. The race-discrimination theory based on the DIA's impeding Warren's telework and reassignment efforts could proceed, while theories based on disability-accommodation telework and unwarranted disciplinary action were dismissed as time-barred or unexhausted.
7. Warren's disability-discrimination and hostile-work-environment claims were dismissed in full because their asserted bases were either unexhausted or, where previously raised, time-barred.
8. The Fifth Amendment due-process claim was dismissed because the Civil Service Reform Act provides the exclusive remedial scheme for the challenged federal employment actions and preempts a direct constitutional claim.

KEY QUOTATIONS

"Because the court, accepting Mr. Warren's allegations as true, finds venue plausible, it will not resolve these disputes at this stage." (Section I)

"Because the CSRA provides the exclusive remedy for claims arising out of plaintiffs' federal employment, except where Congress has created an alternative statutory scheme such as Title VII, Mr. Warren's Fifth Amendment claim is preempted and must be dismissed." (Section IV)

FACTUAL BACKGROUND

Cedric Warren worked for the Defense Intelligence Agency from 2010 until his termination in May 2025, primarily at facilities in Maryland. He alleged that the agency denied or impeded accommodations, telework, and reassignment efforts after a February 2022 workplace incident and after he sought to relocate to Huntsville, Alabama, where his spouse had accepted a DIA position. Warren filed two EEO complaints alleging race, disability, and retaliation; the first was dismissed as untimely, while the second remained in the administrative process when he filed suit. The operative complaint asserted Title VII retaliation, race discrimination, disability discrimination under the Rehabilitation Act, hostile work environment, and Fifth Amendment claims.

PROCEDURAL HISTORY

Warren, a former Defense Intelligence Agency employee, filed federal EEO complaints concerning alleged race, disability, and retaliation claims. The agency dismissed the first complaint as untimely, and the EEOC affirmed; Warren did not file a civil action within the applicable ninety-day period. The second complaint was investigated, and Warren requested an EEOC administrative hearing. He filed this federal action more than 180 days after filing the second EEO complaint, before final administrative action. The court denied dismissal of venue and allowed limited retaliation and race-discrimination theories to proceed, but dismissed the remaining claims and defendants.

DISPOSITION

other

CASES CITED

- *Watts v. Fla. Int'l Univ.*, 495 F.3d 1289, 1295 (11th Cir. 2007)
- *Crawford's Auto Ctr., Inc. v. State Farm Mut. Auto. Ins. Co.*, 945 F.3d 1150, 1162 (11th Cir. 2019)
- *Hoefling v. City of Mia.*, 811 F.3d 1271, 1277 (11th Cir. 2016)
- *Baker v. City of Madison*, 67 F.4th 1268, 1277–78 (11th Cir. 2023)
- *Micor Indus., Inc. v. Mazak Corp.*, No. 5:17-cv-1408, 2018 WL 804303, at *4 (N.D. Ala. Feb. 9, 2018)
- *Bryant v. Rich*, 530 F.3d 1368, 1376 (11th Cir. 2008)
- *Atl. Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Tex.*, 571 U.S. 49, 55 (2013)
- *Pinson v. Rumsfeld*, 192 F. App'x 811, 817 (11th Cir. 2006) (per curiam)
- *Canino v. U.S. EEOC*, 707 F.2d 468, 472 (11th Cir. 1983)
- *Mullins v. Crowell*, 228 F.3d 1305, 1309 n.8 (11th Cir. 2000)
- *Love v. Pullman*, 404 U.S. 522, 523 (1972)
- *Gregory v. Ga. Dep't of Hum. Res.*, 355 F.3d 1277, 1279 (11th Cir. 2004)
- *Ramirez v. Sec'y, U.S. Dep't of Transp.*, 686 F.3d 1239, 1243 (11th Cir. 2012)
- *Reed v. Winn Dixie, Inc.*, 677 F. App'x 607, 610 (11th Cir. 2017) (per curiam)
- *Jackson v. Seaboard Coast Line R.R.*, 768 F.2d 992, 1010 (11th Cir. 1985)
- *Basel v. Sec'y of Def.*, 507 F. App'x 873, 876 (11th Cir. 2013) (per curiam)
- *Batson v. Salvation Army*, 897 F.3d 1320, 1327 (11th Cir. 2018)
- *Baker v. Buckeye Cellulose Corp.*, 856 F.2d 167, 169 (11th Cir. 1988)
- *Hargett v. Valley Fed. Sav. Bank*, 60 F.3d 754, 761–62 (11th Cir. 1995)
- *Nat'l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 102 (2002)
- *King v. U.S. Gov't*, 878 F.3d 1265, 1267 (11th Cir. 2018)
- *FDIC v. Meyer*, 510 U.S. 471, 475 (1994)
- *United States v. Fausto*, 484 U.S. 439, 443, 445, 454–55 (1988)
- *Stephens v. Dep't of Health & Hum. Servs.*, 901 F.2d 1571, 1576 (11th Cir. 1990)
- *Hendrix v. Snow*, 170 F. App'x 68, 80 (11th Cir. 2006) (per curiam)
- *Ivey v. Paulson*, 222 F. App'x 815, 820 (11th Cir. 2007) (per curiam)
- *Bush v. Lucas*, 462 U.S. 367, 388–90 (1983)
- *Wells v. Fed. Aviation Admin.*, 755 F.2d 804, 809–10 (11th Cir. 1985)
- *Gleason v. Malcom*, 718 F.2d 1044, 1048 (11th Cir. 1983)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Henderson v. JP Morgan Chase Bank, N.A.*, 436 F. App'x 935, 937 (11th Cir. 2011) (per curiam)
- *Wiersum v. U.S. Bank, N.A.*, 785 F.3d 483, 485 (11th Cir. 2015)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56 (2007)
- *Miyahira v. Vitacost.com, Inc.*, 715 F.3d 1257, 1265 (11th Cir. 2013)
- *Skinner v. Switzer*, 562 U.S. 521, 530 (2011)

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