

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Marvin Thomas v. Grand Isle Shipyard LLC

Thomas · No. No. 23-5542 · Decided February 25, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana granted Grand Isle Shipyard LLC’s motion for summary judgment in Marvin Thomas’s Title VII failure-to-promote and retaliation action. The court held that Thomas failed to exhaust administrative remedies for his failure-to-promote claim, that the claim was untimely, and that he could not establish a prima facie retaliation claim. The court dismissed the claims with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	February 25, 2026
DOCKET	No. 23-5542
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved for summary judgment on Plaintiff's Title VII failure-to-promote and retaliation claims. The district court granted the motion and dismissed all claims with prejudice.
STANDARD OF REVIEW	Summary judgment is appropriate when the record shows no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The court views the facts and reasonable inferences in the light most favorable to the nonmovant, but the nonmovant must identify specific evidence supporting each element on which he bears the burden of proof.
PRECEDENTIAL VALUE	Unknown; unpublished federal district court order

TOPICS

- title vii
- racial discrimination
- retaliation
- summary judgment
- civil procedure

PRACTICE AREAS

- employment law
- civil rights
- civil procedure

QUESTIONS PRESENTED

1. Whether Thomas exhausted his administrative remedies for his Title VII failure-to-promote and retaliation claims.
2. Whether Thomas's Title VII failure-to-promote claim was timely.
3. Whether Thomas established a prima facie case of Title VII retaliation.

HOLDINGS

1. Thomas failed to exhaust administrative remedies for his Title VII failure-to-promote claim because his EEOC charge did not contain facts suggesting that he had sought, was qualified for, or was denied a promotion, or that coworkers of another race were promoted over him.
2. Even assuming exhaustion, Thomas's Title VII failure-to-promote claim was untimely because he identified no adverse promotion decision within 300 days before filing his EEOC charge.
3. Thomas failed to establish a prima facie Title VII retaliation claim because the conduct identified as precipitating his termination did not constitute protected activity and he offered no evidence of a causal connection between his 2019 race-related complaint and his 2023 termination.

KEY QUOTATIONS

“The Fifth Circuit advises using a “fact-intensive analysis” of the EEOC charge that “looks beyond the four corners of the document to its substance.”” (at 3)

“Plaintiff’s attempts to apply the continuing violation doctrine fails because the continuing violation doctrine does not apply to discrete acts such as failures to promote.” (at 5)

“Protected activities consist of (1) opposing any practice deemed an unlawful employment practice by title VII (the ‘opposition clause’) or (2) making a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under title VII (the ‘participation clause’).” (at 7)

FACTUAL BACKGROUND

Marvin Thomas, an African American employee who worked for Grand Isle Shipyard as a scaffold foreman and superintendent, was terminated on February 15, 2023. He alleged that he had expressed interest in project-management promotions and was passed over in favor of white and Hispanic coworkers. Shortly before his termination, Thomas told an offshore personnel manager that he wanted to discuss his treatment, pay, promotion, and a possible meeting with human resources, but he did not mention race or discrimination in that message. The court also considered evidence of a 2019 conversation in which Thomas allegedly complained that he was treated less favorably than white and Hispanic coworkers regarding training and promotions.

PROCEDURAL HISTORY

Marvin Thomas filed an EEOC charge after his termination and then brought this Title VII action against Grand Isle Shipyard LLC. Defendant moved for summary judgment, arguing that Thomas failed to exhaust administrative remedies and could not establish the elements of his claims. The court granted summary judgment and dismissed the claims with prejudice.

DISPOSITION

dismissed

CASES CITED

- Sherman v. Hallbauer, 455 F.2d 1236, 1241 (5th Cir. 1972)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Coleman v. Houston Independent School District, 113 F.3d 528, 532 (5th Cir. 1997)
- Engstrom v. First National Bank of Eagle Lake, 47 F.3d 1459, 1462 (5th Cir. 1995)
- Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986)
- John v. Deep East Texas Regional Narcotics Trafficking Task Force, 379 F.3d 293, 301 (5th Cir. 2004)
- Badon v. RJR Nabisco, Inc., 224 F.3d 382, 394 (5th Cir. 2000)
- Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994)
- Boudreaux v. Bancotec, Inc., 366 F. Supp. 2d 425, 430 (E.D. La. 2005)
- McClain v. Lufkin Industries, Inc., 519 F.3d 264, 273 (5th Cir. 2008)
- Pacheco v. Mineta, 448 F.3d 783, 789 (5th Cir. 2006)
- Celestine v. Petroleos de Venezuela SA, 266 F.3d 343, 352 (5th Cir. 2001)
- Newton v. Securitas Security Services, USA, Inc., 250 F. App'x 18, 21 (5th Cir. 2007)
- National Railroad Passenger Corp. v. Morgan, 536 U.S. 101, 114 (2002)
- Abrams v. Baylor College of Medicine, 805 F.2d 528, 533 (5th Cir. 1986)
- Long v. Eastfield College, 88 F.3d 300, 304 (5th Cir. 1996)
- Ellis v. Compass Group USA, Inc., 426 F. App'x 292, 296 (5th Cir. 2011)