

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Nelson Fondungalla v. Montgomery County, et al.

Fondungalla · No. Civil Action No. 25-cv-01258-LKG · Decided March 20, 2026

SUMMARY

The United States District Court for the District of Maryland considers Defendants’ Rule 12(b)(6) motion to dismiss claims arising from Nelson Fondungalla’s alleged non-promotion to sergeant. The claims assert FMLA retaliation, national-origin discrimination under 42 U.S.C. § 1981, and discrimination under 42 U.S.C. § 1983. The court grants the motion and dismisses the complaint, concluding that the pleaded facts do not plausibly establish the asserted claims.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Lydia Kay Griggsby
JURISDICTION	United States District Court for the District of Maryland
DECIDED	March 20, 2026
DOCKET	Civil Action No. 25-cv-01258-LKG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). The court granted the motion and dismissed all claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the plaintiff’s favor, but requires sufficient factual matter to state a plausible claim for relief. Legal conclusions, bare assertions, and conclusory allegations are insufficient.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive value only
PARTIES	Nelson Fondungalla v. Montgomery County, Maryland, Frederick Abello, Ben Stevenson, Angela Talley, Bernard Wade

TOPICS

- motions to dismiss
- family and medical leave act
- retaliation
- section 1983
- civil rights

PRACTICE AREAS

employment law

civil rights

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that Fondungalla's FMLA leave was the but-for cause of the County's decision not to promote him.
2. Whether the complaint stated a Section 1981 employment-discrimination claim when the alleged discrimination was based purely on Cameroonian national origin.
3. Whether the complaint stated a Section 1983 claim when it did not identify a specific federal constitutional or statutory right allegedly violated.

HOLDINGS

1. The complaint failed to state a plausible FMLA retaliation claim because its allegations identified multiple reasons for the non-promotion and did not show that FMLA leave was the but-for cause of the adverse action.
2. The complaint failed to state a Section 1981 claim because it alleged discrimination based purely on Cameroonian national origin rather than race, ancestry, or ethnic characteristics protected by Section 1981.
3. The complaint failed to state a Section 1983 claim because it did not identify a specific federal constitutional or statutory right allegedly violated by the Individual Defendants.

KEY QUOTATIONS

“The factual allegations in the complaint belie such a claim here, because the Plaintiff acknowledges that there were several other reasons for his non-promotion, beyond the 33 days that he took FMLA leave.”
(Section IV.A)

“Because the complaint makes clear that the Plaintiff’s Section 1981 claim is purely based upon his Cameroonian origin, rather than his ancestry, the Plaintiff’s claim is not plausible.” (Section IV.B)

“But the Plaintiff alleges no facts in the complaint to identify the federal right that the Individual Defendants violated in this case.” (Section IV.C)

FACTUAL BACKGROUND

Nelson Fondungalla, an African American employee of Cameroonian national origin, worked for Montgomery County as a correctional officer and sought promotion to sergeant. He alleged that the County denied him the promotion after he had taken 33 days of FMLA leave, had missed additional work, and had received a written reprimand related to an inmate's mistaken release. He also alleged that individual supervisors discriminated against him based on Cameroonian national origin and violated his rights under Section 1981 and Section 1983.

PROCEDURAL HISTORY

Fondungalla filed the action on April 17, 2025, asserting FMLA retaliation, Section 1981 discrimination, and Section 1983 discrimination claims arising from his non-promotion to sergeant. Defendants moved to dismiss on June 30, 2025; the motion was fully briefed, and the court resolved it without a hearing. The court granted the motion and dismissed the complaint.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 253, 255 (4th Cir. 2009)
- Lambeth v. Board of Commissioners of Davidson County, 407 F.3d 266, 268 (4th Cir. 2005)
- GE Investment Private Placement Partners II, L.P. v. Parker, 247 F.3d 543, 548 (4th Cir. 2001)
- H.J. Inc. v. Northwest Bell Telephone Co., 492 U.S. 229, 249-50 (1989)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Davison v. Randall, 912 F.3d 666, 679 (4th Cir. 2019), as amended (Jan. 9, 2019)
- Wilcox v. Brown, 877 F.3d 161, 170 (4th Cir. 2017)
- Vinnedge v. Gibbs, 550 F.2d 926, 928 (4th Cir. 1977)
- Randall v. Prince George's County, Maryland, 302 F.3d 188, 206 (4th Cir. 2002)
- Baynard v. Malone, 268 F.3d 228, 235 (4th Cir. 2001)
- Saint Francis College v. Al-Khazraji, 481 U.S. 604, 609, 613-14 (1987)
- Runyon v. McCrary, 427 U.S. 160, 168, 174-75 (1976)
- Yashenko v. Harrah's N.C. Casino Co., 446 F.3d 541, 551-52 (4th Cir. 2006)
- Nnadozie v. Genesis HealthCare Corp., 730 F. App'x 151, 156-57 (4th Cir.)
- Adams v. Anne Arundel County Public Schools, 789 F.3d 422, 429 (4th Cir. 2015)
- Sharif v. United Airlines, Inc., 841 F.3d 199, 203 (4th Cir. 2016)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 800-06 (1973)
- Guessous v. Fairview Property Investments, LLC, 828 F.3d 208, 217 (4th Cir. 2016)
- Perry v. Maryland, No. 17-3619, 2019 WL 2177349, at *8, *10 (D. Md. May 17, 2019)
- University of Texas Southwestern Medical Center v. Nassar, 570 U.S. 338, 360, 362 (2013)
- Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 657 (4th Cir. 1998)
- Clem v. Maryland, 2022 WL 14912707, at *4-*5 (D. Md. 2022)
- Waag v. Sotera Defense Solutions, Inc., 857 F.3d 179, 192 (4th Cir. 2017)
- Mercer v. Arc of Prince George's County, 532 F. App'x 392, 399 (4th Cir. 2013)
- Hawkins v. PepsiCo, Inc., 203 F.3d 274, 281 (4th Cir. 2000)

- Duane v. Government Employees Insurance Co., 784 F. Supp. 1209, 1216 (D. Md. 1992), aff'd sub nom. Duane v. GEICO, 37 F.3d 1036 (4th Cir. 1994)
- Gaines v. Baltimore Police Department, 657 F. Supp. 3d 708, 748 (D. Md. 2023)
- Safar v. Tingle, 859 F.3d 241, 245 (4th Cir. 2017)

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