

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA, EASTERN DIVISION

William Donald Lenell Sheppard v. Upper Crust Food Service

Sheppard v. Upper Crust Food Service · No. No. 4:25-CV-00082-BO-RJ · Decided March 19, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina adopted a magistrate judge’s recommendation and dismissed William Donald Lenell Sheppard’s amended complaint. The court held that the amended complaint did not plausibly connect the plaintiff’s termination and alleged disparate treatment or retaliation to his race or sex under Title VII.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina, Eastern Division
WRITING FOR THE COURT	Terrence W. Boyle
JURISDICTION	United States District Court for the Eastern District of North Carolina, Eastern Division
DECIDED	March 19, 2026
DOCKET	No. 4:25-CV-00082-BO-RJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed de novo a magistrate judge's memorandum and recommendation after the pro se plaintiff objected and filed an amended complaint. The court dismissed the amended complaint as frivolous and for failure to state a claim under Title VII and closed the case.
STANDARD OF REVIEW	De novo review of the portions of a magistrate judge's memorandum and recommendation to which specific objections are made; liberal construction of a pro se complaint; and review under 28 U.S.C. § 1915(e)(2)(B) for frivolity and failure to state a claim.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	William Donald Lenell Sheppard v. Upper Crust Food Service

TOPICS

title vii

employment discrimination

retaliation

wrongful termination

pleadings

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that plaintiff's termination or other adverse employment action occurred because of his race or sex in violation of Title VII.
2. Whether the amended complaint plausibly alleged a Title VII retaliation claim.
3. Whether the amended complaint was frivolous or failed to state a claim under 28 U.S.C. § 1915(e)(2) (B).
4. Whether the unaddressed North Carolina Wage and Hour Act claim should be treated as voluntarily dismissed.

HOLDINGS

1. A district court must conduct de novo review of the portions of a magistrate judge's memorandum and recommendation to which a party makes specific objections, including articulated objections by a pro se litigant.
2. The amended complaint failed to state a plausible Title VII discrimination or wrongful-termination claim because it did not allege facts connecting the adverse employment action to plaintiff's race or sex.
3. The amended complaint failed to state a plausible Title VII retaliation claim because it did not adequately allege protected activity causally connected to an adverse employment action.
4. A complaint may be dismissed under 28 U.S.C. § 1915(e)(2)(B) when it is frivolous or fails to state a claim, and plaintiff's amended complaint warranted dismissal under that screening standard.
5. The North Carolina Wage and Hour Act claim was treated as voluntarily dismissed because plaintiff did not address it in his objection and omitted it from the amended complaint.

FACTUAL BACKGROUND

Plaintiff, a Black male, worked as a head chef for Upper Crust from approximately August 2022 through March 2024. He alleged that he declined to sign an updated employment handbook and nonsolicitation agreement, complained about kitchen staffing and unequal treatment, and was terminated shortly after calling out sick. He claimed that a Black female chef with performance issues was treated more favorably and that Upper Crust falsely accused him of fraternizing with students to justify his termination.

PROCEDURAL HISTORY

Sheppard filed an in forma pauperis complaint alleging Title VII discrimination, retaliation, and wrongful termination, along with a North Carolina Wage and Hour Act claim. Magistrate Judge Robert B. Jones, Jr. granted in forma pauperis status but recommended dismissal under 28 U.S.C. § 1915(e)(2)(B). Sheppard objected and filed an amended complaint. The district court conducted de novo review of the challenged

recommendation, treated the unaddressed NCWhA claim as voluntarily dismissed, adopted the recommendation, dismissed the amended complaint, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007)
- Elijah v. Dunbar, 66 F.4th 454, 460-61 (4th Cir. 2023)
- Adams v. Rice, 40 F.3d 72, 74 (4th Cir. 1994)
- Neitzke v. Williams, 490 U.S. 319, 325, 327-28 (1989)
- McLean v. United States, 566 F.3d 391, 399 (4th Cir. 2009)
- Denton v. Hernandez, 504 U.S. 25, 32 (1992)
- Nagy v. Federal Medical Center Butner, 376 F.3d 252, 256-57 (4th Cir. 2004)
- Nasim v. Warden, Maryland House of Correction, 64 F.3d 951, 954 (4th Cir. 1995)
- Mylan Laboratories, Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Nemet Chevrolet, Ltd. v. ConsumerAffairs.com, Inc., 591 F.3d 250, 256 (4th Cir. 2009)
- Philips v. Pitt County Memorial Hospital, 572 F.3d 176, 180 (4th Cir. 2009)
- Laber v. Harvey, 438 F.3d 404, 413 (4th Cir. 2006)
- Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75, 78 (1998)
- McCleary-Evans v. Maryland Department of Transportation, State Highway Administration, 780 F.3d 582, 585 (4th Cir. 2015)
- Ofoche v. Apogee Medical Group, Virginia, P.C., 815 F. App'x 690, 692 (4th Cir. 2020)
- Perkins v. International Paper Co., 936 F.3d 196, 207 (4th Cir. 2019)
- Boyer-Liberto v. Fontainebleau Corp., 786 F.3d 264, 281 (4th Cir. 2015)
- Bing v. Brivo Systems, LLC, 959 F.3d 605, 616 n.8 (4th Cir. 2020)
- Nadendla v. WakeMed, 24 F.4th 299, 305-06 (4th Cir. 2022)