

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Rexroat v. Architect of the U.S. Capitol

Rexroat · No. Civil Action No. 24-3386 (RC) · Decided March 2, 2026

SUMMARY

The United States District Court for the District of Columbia partially grants and partially denies the Architect of the U.S. Capitol’s motion to dismiss claims under the Congressional Accountability Act. The court allows allegations concerning the decision to use a competitive rather than noncompetitive process for the Deputy Architect position to proceed, but dismisses allegations concerning the AOC’s handling of Rexroat’s participation in unrelated litigation. The court also grants Rexroat’s unopposed motion for leave to file a sur-reply.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Rudolph Contreras
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 2, 2026
DOCKET	Civil Action No. 24-3386 (RC)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss portions of plaintiff's second amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and asks whether the complaint contains sufficient factual matter to state a claim for relief that is plausible on its face. Conclusory allegations and legal conclusions are not accepted as true.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the District of Columbia and elsewhere.
PARTIES	Chere Rexroat v. Architect of the U.S. Capitol

TOPICS

- retaliation
- employment discrimination
- federal employment law
- motions to dismiss
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether allegations that the Architect of the Capitol failed to select Rexroat through a noncompetitive process plausibly stated claims for retaliation, intimidation, sex discrimination, or sex-plus-age discrimination under the Congressional Accountability Act.
2. Whether allegations concerning the Architect's counsel's failure to protect Rexroat's interests in unrelated post-employment litigation plausibly stated retaliation or intimidation claims under the Congressional Accountability Act.

HOLDINGS

1. The allegations that the Architect of the Capitol considered but did not use a noncompetitive process to select Rexroat for Deputy Architect were not subject to dismissal merely because no person was ultimately selected noncompetitively. The allegations could remain part of Rexroat's claims concerning her nonselection.
2. Rexroat failed to plausibly allege that the Architect's conduct in unrelated litigation was undertaken because of her protected activity. The court therefore dismissed the allegations that the Architect failed to protect her interests in the Kraft and Leonard matters.

KEY QUOTATIONS

“The AOC’s reasoning that Rexroat’s non-selection through a noncompetitive process could not be unlawful because no one was selected through a noncompetitive process fails as a matter of law and logic” (7)

“Such a theoretical scheme may be possible, but without greater factual support to buttress this narrative, it does not rise to the level of plausible.” (13)

FACTUAL BACKGROUND

Chere Rexroat, a former Chief Engineer and former Acting Architect in the Architect of the Capitol's office, alleged that she was eligible for noncompetitive selection as Deputy Architect and expressed interest in that process. The position was instead opened for competition, Rexroat applied and was interviewed, but the selecting official chose another male candidate. After Rexroat pursued claims before the Office of Congressional Workplace Rights and later resigned, she voluntarily participated as a witness in related litigation involving officials she had removed, alleging that Architect counsel failed to protect her interests and mishandled her deposition transcript and discovery requests.

PROCEDURAL HISTORY

Rexroat filed an employment action against the Architect of the U.S. Capitol alleging retaliation, intimidation, sex discrimination, and sex-plus-age discrimination under the Congressional Accountability Act. After Rexroat filed a second amended complaint, the Architect moved to dismiss allegations concerning the failure to select Rexroat noncompetitively for Deputy Architect and allegations concerning counsel's conduct in unrelated

litigation. The court granted leave to file a sur-reply, denied dismissal of the noncompetitive-selection allegations, and granted dismissal of the post-employment litigation-conduct allegations.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-681 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Hettinga v. United States, 677 F.3d 471, 476 (D.C. Cir. 2012)
- Ben-Kotel v. Howard University, 319 F.3d 532, 536 (D.C. Cir. 2003)
- Chappell-Johnson v. Powell, 440 F.3d 484, 488 (D.C. Cir. 2006)
- George v. Leavitt, 407 F.3d 405, 412 (D.C. Cir. 2005)
- Iyoha v. Architect of the Capitol, 927 F.3d 561, 574 (D.C. Cir. 2019)
- Breiterman v. U.S. Capitol Police, 15 F.4th 1166, 1172 (D.C. Cir. 2021)
- Menoken v. Dhillon, 975 F.3d 1, 9-10 (D.C. Cir. 2020)
- Bridgeforth v. Jewell, 721 F.3d 661, 663 n.* (D.C. Cir. 2013)
- Burlington Northern & Santa Fe Railway Co. v. White, 548 U.S. 53, 68 (2006)
- Ayo-Aghimien v. Attorney General of the United States, No. 24-cv-1341, 2025 WL 407308, at *6 (D.D.C. Feb. 5, 2025)