

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Paul Harris v. Daniel P. Driscoll

No. 25-cv-03901-JST (N.D. Cal. Dec. 19, 2025) · No. 25-cv-03901-JST · Decided December 19, 2025

SUMMARY

The United States District Court for the Northern District of California grants Defendant Daniel P. Driscoll’s motion to dismiss Paul Harris’s Rehabilitation Act and wrongful-termination claims as untimely. The court finds that the complaint does not adequately allege grounds for equitable tolling but grants Harris leave to amend within 28 days.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 19, 2025
DOCKET	25-cv-03901-JST
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) on the ground that Plaintiff failed to timely initiate contact with an Equal Employment Opportunity counselor and could not establish equitable tolling.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes the pleadings in the light most favorable to the plaintiff, but the complaint must contain sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district-court order
PARTIES	Paul Harris v. Daniel P. Driscoll

TOPICS

- motions to dismiss
- federal employee discrimination
- disability discrimination
- statute of limitations
- civil procedure

PRACTICE AREAS

civil procedure

federal employment law

employment discrimination

disability discrimination

administrative law

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible basis for equitably tolling the requirement that a federal employee initiate contact with an EEO counselor within 45 days of the allegedly discriminatory matter or personnel action.
2. Whether the court could take judicial notice of attached administrative EEO proceedings without accepting the truth of disputed factual assertions in those documents.
3. Whether dismissal should be with prejudice or whether Harris should receive leave to amend.

HOLDINGS

1. The court may take judicial notice of public-record administrative EEO documents, but may not notice disputed facts in those documents for their truth or to resolve factual disputes on a motion to dismiss.
2. The complaint did not allege sufficient facts to establish equitable tolling of the requirement that Harris initiate contact with an EEO counselor within 45 days of the allegedly discriminatory matter or personnel action.
3. Dismissal with prejudice was unwarranted because the court could not definitively conclude that Harris would be unable to amend his complaint to allege facts supporting equitable tolling.

KEY QUOTATIONS

“However, the Court does not notice these documents for the truth of the matters asserted therein or for the purpose of resolving factual disputes.” (at 2)

“The plaintiff must also ‘show diligence in pursuing the claims to the extent he could understand them, but that the mental impairment made it impossible to meet the filing deadline under the totality of the circumstances’” (at 3)

“Accordingly, Harris may be able to plead facts demonstrating his “impairment was so severe that . . . [he] was unable rationally or factually to personally understand the need to timely file,” or that his “mental state rendered him unable personally to prepare a complaint and effectuate its filing.”” (at 4)

FACTUAL BACKGROUND

Harris was employed by the United States Army Corps of Engineers from April 2011 until his separation on February 1, 2020. He alleged that he had service-connected PTSD, major depressive disorder, and alcohol use disorder; that the agency denied his request for a one-year leave without pay to obtain treatment; and that his supervisor processed his separation as a voluntary resignation despite Harris's alleged lack of intent to resign. Harris filed a disability-discrimination complaint with the EEOC on May 26, 2022, and later received a notice of right to sue.

PROCEDURAL HISTORY

Harris filed an action alleging discrimination and failure to accommodate under section 501 of the Rehabilitation Act and wrongful termination. The court granted Driscoll's motion to dismiss because the complaint did not allege facts supporting equitable tolling of the 45-day administrative-contact requirement. The dismissal was without prejudice, and Harris was granted 28 days to amend.

DISPOSITION

other

CASES CITED

- *Mendiondo v. Centinela Hosp. Med. Ctr.*, 521 F.3d 1097, 1104 (9th Cir. 2008)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Schneider v. California Dep't of Corr.*, 151 F.3d 1194, 1197 n.1 (9th Cir. 1998)
- *United States v. Corinthian Colleges*, 655 F.3d 984, 999 (9th Cir. 2011)
- *Marder v. Lopez*, 450 F.3d 445, 448 (9th Cir. 2006)
- *Soo Park v. Thompson*, 851 F.3d 910, 928 (9th Cir. 2017)
- *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 999-1001 (9th Cir. 2018)
- *Lyons v. England*, 307 F.3d 1092, 1105 (9th Cir. 2002)
- *Bamforth v. Facebook, Inc.*, No. 20-CV-09483-DMR, 2021 WL 4133753, at *9 (N.D. Cal. Sept. 10, 2021)
- *Brockamp v. United States*, 67 F.3d 260, 263 (9th Cir. 1995)
- *Johnson v. Lucent Techs. Inc.*, 653 F.3d 1000, 1010 (9th Cir. 2011)
- *Lacayo v. Donahoe*, 2015 WL 993448, at *11 (N.D. Cal. Mar. 4, 2015)
- *Stoll v. Runyon*, 165 F.3d 1238, 1242 (9th Cir. 1999)