

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Raquel Grey v. Sun Health Foundation Incorporated

No. CV-26-01712-PHX-SHD · No. No. CV-26-01712-PHX-SHD · Decided April 10, 2026

SUMMARY

The United States District Court for the District of Arizona grants Raquel Grey’s application to proceed in forma pauperis. The court dismisses her Title VII retaliation complaint for failure to allege that she engaged in protected activity, while granting 30 days to amend. The order warns that failure to amend may result in dismissal with prejudice.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Sharad H. Desai
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 10, 2026
DOCKET	No. CV-26-01712-PHX-SHD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a Title VII retaliation complaint and an application to proceed in forma pauperis. The district court granted IFP status, screened the complaint under 28 U.S.C. § 1915(e)(2), dismissed the complaint for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	The court applied the pleading standard under Federal Rule of Civil Procedure 12(b)(6) during mandatory IFP screening under 28 U.S.C. § 1915(e)(2)(B). The complaint had to contain sufficient factual matter, accepted as true, to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- civil procedure
- motions to dismiss
- retaliation
- title vii
- employment discrimination

PRACTICE AREAS

- civil procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether Grey qualified to proceed in forma pauperis.
2. Whether the complaint stated a Title VII retaliation claim under the mandatory screening standard of 28 U.S.C. § 1915(e)(2).
3. Whether Grey should be granted leave to amend the deficient complaint.

HOLDINGS

1. Grey qualified to proceed in forma pauperis because she could not pay court costs while still affording the necessities of life.
2. The complaint failed to state a Title VII retaliation claim because Grey did not allege that she engaged in protected activity by opposing conduct she reasonably believed violated Title VII.
3. Grey was entitled to amend because the court could not conclude that amendment would be futile.

KEY QUOTATIONS

“It is also clear that section 1915(e) not only permits but requires a district court to dismiss an in forma pauperis complaint that fails to state a claim.” (2)

“Protected activity includes (a) opposing a practice made unlawful by Title VII or (b) participating in a Title VII investigation, proceeding, or hearing.” (3)

“While a plaintiff need not have invoked ‘magic words’ in order for his complaints to constitute protected activity, he must have alerted his employer to his belief that discrimination, not merely unfair personnel treatment, had occurred.” (4)

FACTUAL BACKGROUND

Grey alleged that Sun Health hired her as an Accounts Receivable Specialist in November 2024. She complained to senior management about her supervisor's micromanagement, overbearing conduct, and harsh feedback, and was terminated the day after escalating those concerns to the Vice President and Human Resources. She characterized the termination as retaliation under Title VII, but did not allege that she complained about discrimination based on race, sex, national origin, or another protected characteristic.

PROCEDURAL HISTORY

Raquel Grey filed the action on March 13, 2026, together with an application to proceed in forma pauperis. The court found that she could not pay court costs while affording the necessities of life, granted the IFP application, and screened her complaint. The court dismissed the complaint because the alleged workplace complaints did not constitute protected activity under Title VII, but allowed Grey 30 days to amend.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234-35 (9th Cir. 2015)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000)
- Kennedy v. Andrews, 2005 WL 3358205, at *2 (D. Ariz. 2005)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Hairston v. Juarez, 2023 WL 2468967, at *2 (S.D. Cal. 2023)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Jackson v. Barnes, 749 F.3d 755, 763-64 (9th Cir. 2014)
- Ray v. Henderson, 217 F.3d 1234, 1240 (9th Cir. 2000)
- Bruner v. City of Phoenix, 2020 WL 5258295, at *4 (D. Ariz. 2020)
- Gutierrez v. Kaiser Found. Hospitals Inc., 2012 WL 5372607, at *6 (N.D. Cal. 2012)
- Lopez v. Smith, 203 F.3d 1122, 1127-29 (9th Cir. 2000) (en banc)
- Bonin v. Calderon, 59 F.3d 815, 845 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992)
- Hal Roach Studios v. Richard Feiner & Co., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir. 2012) (en banc)