

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Elseddig Musa v. Footprint LLC

Musa · No. CV-24-02980-PHX-DJH · Decided February 17, 2026

SUMMARY

The United States District Court for the District of Arizona partially granted and partially denied Footprint LLC’s motion to dismiss Elseddig Musa’s Title VII claims. The court allowed Musa’s disparate-impact and disparate-treatment claims to proceed, dismissed Count Three as conclusory with leave to amend, and declined to resolve exhaustion and timeliness issues at the motion-to-dismiss stage. The court also granted additional time for proper service under Federal Rule of Civil Procedure 4.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Diane J. Humetewa
JURISDICTION	United States District Court for the District of Arizona
DECIDED	February 17, 2026
DOCKET	CV-24-02980-PHX-DJH
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the complaint in its entirety. The court granted the motion as to Count Three, denied it as to Counts One and Two, granted leave to amend Count Three, and allowed additional time for proper service.
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 does not presume the truth of legal conclusions. The complaint must allege sufficient factual matter to state a facially plausible claim.
PRECEDENTIAL VALUE	nonprecedential district-court order
PARTIES	Elseddig Musa v. Footprint LLC

TOPICS

- motions to dismiss
- title vii
- employment discrimination
- service of process
- civil procedure

PRACTICE AREAS

employment law

employment discrimination

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether Musa adequately pleaded a Title VII disparate-impact claim based on Footprint's background-check and screening practices.
2. Whether Musa adequately pleaded a Title VII disparate-treatment claim based on religion and race discrimination.
3. Whether Musa's generalized Count Three allegation stated a legally cognizable claim.
4. Whether the complaint established at the pleading stage that Musa's EEOC charge was untimely or that he failed to exhaust administrative remedies.
5. Whether defective service required dismissal or instead warranted additional time to effect proper service.

HOLDINGS

1. Musa adequately pleaded a disparate-impact claim by identifying background checks as the challenged employment practice, alleging an adverse impact on Muslims and other protected groups, and alleging a causal connection between the practice and employment disqualification.
2. Musa adequately pleaded a disparate-treatment claim based on religion and race by alleging protected-class status, qualification, an adverse employment action, and more favorable treatment of a similarly situated employee outside his protected background.
3. Count Three failed to state a claim because it merely alleged that Footprint's termination was wrongful and illegal under the Civil Rights Act without identifying a cognizable legal theory or alleging facts supporting the elements of a claim.
4. The court declined to dismiss the action on timeliness or exhaustion grounds at the motion-to-dismiss stage.
5. Defective service did not require dismissal; the court allowed Musa additional time to serve Footprint in conformity with Federal Rule of Civil Procedure 4.

KEY QUOTATIONS

"A successful motion to dismiss under Rule 12(b)(6) must show either that the complaint lacks a cognizable legal theory or fails to allege facts sufficient to support its theory." (at 2)

"A claim has facial plausibility when "the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged."" (at 2)

"Put simply, Musa is stating that Footprint's background check and screening practices have a significant disparate impact on Muslims because they suffer from higher rates of arrest." (at 4)

"Therefore, the Court will allow Musa more time to effectuate service properly under Federal Rule of Civil

Procedure 4.” (at 9)

“Thus, after amendment, the Court will treat an original complaint as nonexistent.” (at 10)

FACTUAL BACKGROUND

Musa worked for Footprint after being referred by a staffing agency and was elevated to a machine-operator position. He disclosed a felony conviction on his employment application and later began seeking full-time employment. After a background check revealed a 2016 conviction, Footprint terminated him or declined to place him in a full-time role. Musa alleged that Footprint's background-check practices adversely affected Muslims and that he was treated less favorably than a similarly situated coworker with a conviction who received full-time status.

PROCEDURAL HISTORY

Musa filed a complaint asserting Title VII disparate-impact, Title VII disparate-treatment, and an unspecified third Title VII claim. Footprint moved to dismiss all claims, arguing insufficient pleading, untimely or unexhausted administrative remedies, and defective service. The court denied dismissal of the disparate-impact and disparate-treatment claims, dismissed Count Three with leave to amend, declined to resolve the limitations issue at the pleading stage, found the exhaustion allegations sufficient, and granted additional time to effect proper service.

DISPOSITION

other

CASES CITED

- Somers v. Apple, Inc., 729 F.3d 953, 959 (9th Cir. 2013)
- Mendiondo v. Centinela Hospital Medical Center, 521 F.3d 1097, 1104 (9th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Cousins v. Lockyer, 568 F.3d 1063, 1067 (9th Cir. 2009)
- Watson v. Fort Worth Bank & Trust, 487 U.S. 977, 986-87 (1988)
- Hemmings v. Tidyman's Inc., 285 F.3d 1174, 1190 (9th Cir. 2002)
- International Brotherhood of Teamsters v. United States, 431 U.S. 324, 335 n.15 (1977)
- Personnel Administrator of Massachusetts v. Feeney, 442 U.S. 256, 279 (1979)
- Davis v. Team Electric Co., 520 F.3d 1080, 1089 (9th Cir. 2008)
- Silvas v. E*Trade Mortgage Corp., 514 F.3d 1001, 1003 (9th Cir. 2008)
- Myers-Desco v. Lowe's HIW, Inc., 484 F. App'x 169, 171 (9th Cir. 2012)
- EEOC v. Dinuba Medical Clinic, 222 F.3d 580, 585 (9th Cir. 2000)
- DeSoto Cab Co., Inc. v. Uber Technologies, Inc., 2018 WL 10247483, at *13 (N.D. Cal. Sept. 24, 2018)
- Leong v. Potter, 347 F.3d 1117, 1122 (9th Cir. 2003)

- Kaplan v. International Alliance of Theatrical & Stage Employees, 525 F.2d 1354, 1359 (9th Cir. 1975)
- EEOC v. Farmer Bros. Co., 31 F.3d 891, 899 (9th Cir. 1994)
- Borzeka v. Heckler, 739 F.2d 444, 447 (9th Cir. 1984)
- S.J. v. Issaquah School District No. 411, 470 F.3d 1288, 1293 (9th Cir. 2006)
- Clark v. Washington State Department of Health, 735 F. Supp. 3d 1334, 1349, 1351 (W.D. Wash. 2024)
- Manzarek v. St. Paul Fire & Marine Insurance Co., 519 F.3d 1025, 1031 (9th Cir. 2008)
- Carvalho v. Equifax Information Services, LLC, 629 F.3d 876, 892-93 (9th Cir. 2010)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Schreiber Distributing Co. v. Serv-Well Furniture Co., 806 F.2d 1393, 1401 (9th Cir. 1986)
- Carrico v. City and County of San Francisco, 656 F.3d 1002, 1008 (9th Cir. 2011)
- Lacey v. Maricopa County, 693 F.3d 896, 925, 927 (9th Cir. 2012) (en banc)