

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
TEXAS, HOUSTON DIVISION

Glendy W. Tolbert, III v. Dollar Tree Distribution, Inc.

Tolbert v. Dollar Tree · No. 4:24-CV-03209 · Decided February 25, 2026

SUMMARY

The United States District Court for the Southern District of Texas granted Dollar Tree Distribution, Inc.'s motion for complete summary judgment in an employment-discrimination action brought by Glendy W. Tolbert, III. The court dismissed with prejudice claims alleging gender discrimination, disability discrimination, ADA retaliation, and Title VII retaliation. The court concluded that the gender-discrimination claim was unexhausted and that the remaining claims lacked sufficient evidence of disability, causation, or decisionmaker knowledge.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Texas, Houston Division                                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Keith P. Ellison                                                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Southern District of Texas, Houston Division                                                                                                                                                                                                                                                                     |
| DECIDED               | February 25, 2026                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | 4:24-CV-03209                                                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Defendant moved for complete summary judgment on Plaintiff's Title VII gender-discrimination and retaliation claims and ADA discrimination and retaliation claims. The court granted the motion and dismissed all claims with prejudice.                                                                                                              |
| STANDARD OF REVIEW    | Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The movant bears the initial burden of demonstrating the absence of a genuine issue of material fact, after which the nonmovant must identify particular facts showing a genuine issue for trial. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                                           |
| PARTIES               | Glendy W. Tolbert, III v. Dollar Tree Distribution, Inc.                                                                                                                                                                                                                                                                                              |

## TOPICS

summary judgment

employment discrimination

ada / disability

title vii

retaliation

## PRACTICE AREAS

employment law

civil rights

disability discrimination

civil procedure

## QUESTIONS PRESENTED

1. Whether Plaintiff exhausted his administrative remedies for his Title VII gender-discrimination claim.
2. Whether Plaintiff produced sufficient evidence to create a genuine dispute that Dollar Tree discriminated against him because of his accident-related injuries or COVID-19 infection in violation of the ADA.
3. Whether Plaintiff established a prima facie case of retaliation under the ADA.
4. Whether Plaintiff established a prima facie case of Title VII retaliation based on his request for time off to attend an EEOC proceeding involving a former employer.
5. Whether Defendant was entitled to summary judgment on all claims.

## HOLDINGS

1. A Title VII gender-discrimination claim must be dismissed when the plaintiff's EEOC charge neither asserts gender discrimination nor mentions the factual basis for that claim.
2. Plaintiff was not entitled to proceed on his ADA discrimination claims based on accident-related injuries because he abandoned the claims by failing to address them in response to summary judgment and, independently, failed to produce evidence of a causal connection between his injuries and any adverse employment action.
3. Plaintiff's temporary COVID-19 infection did not establish an ADA disability on the evidence presented because he did not identify or produce evidence that the infection substantially limited one or more major life activities.
4. Plaintiff failed to establish a prima facie case of ADA retaliation because he did not show that he engaged in ADA-protected activity connected to his termination.
5. Plaintiff failed to establish a prima facie case of Title VII retaliation because he offered no evidence that the actual decisionmaker knew of his protected request to attend an EEOC proceeding.

## KEY QUOTATIONS

*“Summary judgment is appropriate where “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (at 3)*

*“The relevant question is whether the claims presented in the district court could reasonably be expected to grow out of the charge of discrimination” (at 4)*

*“actual” decisionmaker knowledge” [of the protected activity] as opposed to constructive or implied knowledge.” (at 10)*

## FACTUAL BACKGROUND

Glendy Tolbert began working for Dollar Tree as an equipment operator in March 2021. After taking leave for injuries from a motor-vehicle accident and later missing work because of COVID-19, he returned to work on November 8, 2021. He subsequently accumulated multiple tardies, early departures, and absences, and Dollar Tree terminated him on January 30, 2022, citing repeated violations of its attendance policy. During an October 2021 email exchange, human-resources personnel initially referred to Tolbert with female pronouns and then apologized after he identified himself as male. Tolbert later requested time off to attend an EEOC proceeding involving a former employer, but he offered no evidence that the manager who terminated him knew of that request.

## PROCEDURAL HISTORY

Plaintiff filed an EEOC charge on October 26, 2022, received a right-to-sue letter, and filed this action on August 23, 2024. Dollar Tree moved for complete summary judgment. The district court granted the motion, concluding that Plaintiff failed to exhaust his gender-discrimination claim and failed to produce sufficient evidence to support his ADA and Title VII claims.

## DISPOSITION

other

## CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Mississippi River Basin All. v. Westphal, 230 F.3d 170, 174 (5th Cir. 2000)
- Kebiro v. Walmart, 193 F. App'x 365, 367 (5th Cir. 2006)
- Pacheco v. Mineta, 448 F.3d 783, 789 (5th Cir. 2006)
- Atkins v. Salazar, 677 F.3d 667, 675 (5th Cir. 2012)
- Terry Black's Barbecue, L.L.C. v. State Auto. Mut. Ins. Co., 22 F.4th 450, 459 (5th Cir. 2022)
- Mueck v. La Grange Acquisitions, L.P., 75 F.4th 469, 481 (5th Cir. 2023), as revised (Aug. 4, 2023)
- Seaman v. CSPH, Inc., 179 F.3d 297, 301 (5th Cir. 1999)
- Owens v. Circassia Pharms., Inc., 33 F.4th 814, 835 (5th Cir. 2022)
- Robinson v. Jackson State Univ., 714 F. App'x 354, 360 (5th Cir. 2017)
- Lee v. Kansas City S. Ry. Co., 574 F.3d 253, 258 (5th Cir. 2009)
- Lyons v. Katy Indep. Sch. Dist., 964 F.3d 298, 305 (5th Cir. 2020)