

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

White v. Harvard Security, LLC

White · No. No. 25-cv-0622 · Decided January 27, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania granted the defendant’s motion to dismiss a pro se Title VII employment discrimination complaint without prejudice. The court held that the plaintiff’s allegations did not plausibly support claims for retaliation, racial harassment, or constructive discharge, and it declined to resolve the service-of-process issue conclusively. The court also denied the plaintiff’s motion for appointment of counsel.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Chad F. Kenney
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	January 27, 2026
DOCKET	No. 25-cv-0622
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss a pro se Title VII employment-discrimination complaint under Federal Rules of Civil Procedure 12(b)(5) and 12(b)(6). Plaintiff also moved for appointment of counsel.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the Court accepted well-pleaded allegations as true, drew reasonable inferences in Plaintiff's favor, and assessed whether the complaint stated a facially plausible claim. Because Plaintiff proceeded pro se, the Court construed his allegations liberally. The Court separately considered whether service complied with Rule 4 but did not definitively resolve that issue.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tyrone K. White v. Harvard Security, LLC

TOPICS

- motions to dismiss
- service of process
- title vii
- retaliation
- hostile work environment

PRACTICE AREAS

employment discrimination

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's complaint plausibly stated a Title VII retaliation claim.
2. Whether Plaintiff's allegations plausibly stated a Title VII racial hostile-work-environment or harassment claim.
3. Whether Plaintiff plausibly stated a Title VII constructive-discharge claim.
4. Whether the complaint should be dismissed for insufficient service of process under Rule 12(b)(5).
5. Whether Plaintiff should be appointed counsel under Title VII.

HOLDINGS

1. The complaint failed to state a plausible Title VII retaliation claim because Plaintiff did not adequately allege protected activity relating to race discrimination, a causal connection between any protected activity and an adverse employment action, or facts creating a reasonable expectation that discovery would establish the required elements.
2. The complaint failed to state a plausible racial hostile-work-environment claim because it did not adequately allege intentional race-based discrimination or conduct that was severe or pervasive.
3. The complaint failed to state a plausible constructive-discharge claim because it did not allege race-based working conditions so intolerable that a reasonable person would have resigned.
4. The motion for appointment of counsel was denied because Plaintiff's claims lacked arguable merit, and any other relevant factors did not overcome that deficiency.

KEY QUOTATIONS

“To survive a motion to dismiss” under Rule 12(b)(6), “a complaint must contain sufficient factual matter . . . to ‘state a claim to relief that is plausible on its face.’” (Section II)

“the employer knowingly permitted conditions of discrimination in employment so intolerable that a reasonable person subject to them would resign.” (Section III.A.3)

FACTUAL BACKGROUND

Plaintiff, a Black man, worked as a security guard for Defendant's security-services business. He alleged that he performed additional duties, worked long or double shifts, dealt with a broken security gate, received inadequate supervisory support, experienced delayed paychecks, and encountered other workplace frustrations. He resigned on December 16, 2025, characterizing the resignation as being under duress and necessitous and compelling, but his allegations generally did not connect the alleged conduct to race.

PROCEDURAL HISTORY

Plaintiff filed a form complaint alleging race-based Title VII retaliation, harassment, and constructive discharge. After the Court directed Plaintiff to complete service by certified mail with restricted delivery, Defendant moved to dismiss for insufficient service of process and failure to state a claim. The Court dismissed the complaint without prejudice for failure to state a claim, declined to conclusively resolve the service issue, and denied Plaintiff's motion for appointment of counsel.

DISPOSITION

dismissed

CASES CITED

- City of Cambridge Retirement System v. Altisource Asset Management Corp., 908 F.3d 872, 878 (3d Cir. 2018)
- Carvalho-Grevious v. Delaware State University, 851 F.3d 249, 257 (3d Cir. 2017)
- Davis v. City of Newark, 417 F. App'x 201, 203 (3d Cir. 2011)
- Barber v. CSX Distribution Services, 68 F.3d 694, 702 (3d Cir. 1995)
- Muldrow v. City of St. Louis, 601 U.S. 346, 354 (2024)
- Kengerski v. Harper, 6 F.4th 531, 534, 537 (3d Cir. 2021)
- Sousa v. Amazon.com, Inc., No. 22-3043, 2023 WL 7486751, at *2 (3d Cir. Nov. 13, 2023)
- Mandel v. M & Q Packaging Corp., 706 F.3d 157, 167-70 (3d Cir. 2013)
- Culler v. Secretary of the U.S. Department of Veterans Affairs, 507 F. App'x 246, 249 (3d Cir. 2012)
- Castleberry v. STI Group, 863 F.3d 259, 265 (3d Cir. 2017)
- Aman v. Cort Furniture Rental Corp., 85 F.3d 1074, 1084 (3d Cir. 1996)
- Tunis v. City of Newark, 184 F. App'x 140, 143 (3d Cir. 2006)
- Gray v. York Newspapers, Inc., 957 F.2d 1070, 1083 (3d Cir. 1992)
- Samuel v. Delaware County Housing Authority, No. 23-3272, 2024 WL 4003088, at *2 & nn.5-6 (3d Cir. Aug. 30, 2024), cert. denied, 145 S. Ct. 1187 (2025)
- Mentor v. Hillside Board of Education, 428 F. App'x 221, 223 (3d Cir. 2011)
- Gude v. Rockford Center Inc., 393 F. App'x 838, 839 (3d Cir. 2010)
- Ficken v. Alvarez, 146 F.3d 978, 979-80 (D.C. Cir. 1998)