

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-1439

SHEILA JACKSON,

Plaintiff - Appellant,

v.

GARDA CL EAST, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (3:19-cv-00007-GCM)

Submitted: July 18, 2019

Decided: July 22, 2019

Before WILKINSON, AGEE, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sheila Jackson, Appellant Pro Se. Taylor Tyson Haywood, AKERMAN, LLP, Denver, Colorado, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sheila Jackson appeals the district court's order granting Defendant's Fed. R. Civ. P. 12(b)(6) motion and dismissing Jackson's civil action for failure to state a claim. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Jackson v. Garda CL East, Inc.*, No. 3:19-cv-00007-GCM (W.D.N.C. Apr. 9, 2019). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

FILED: July 22, 2019

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JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

FILED: August 30, 2019

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O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Wilkinson, Judge Agee, and
Judge Thacker.

For the Court

/s/ Patricia S. Connor, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19CV0007-GCM

SHEILA JACKSON,)
Plaintiff,)
)
v.) ORDER
)
GARDA WORLD,)
Defendant.)
)

This matter is before the Court upon Defendant's Motion to Dismiss Plaintiff's Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The *pro se* Plaintiff filed a response and the Defendant has filed a Reply.

Plaintiff filed her Complaint *pro se* pursuant to Title VII of the Civil Rights Act of 1962, 42 U.S.C. § 2000e *et seq.*, the "Fair Employment Act,"¹ and the Equal Pay Act. Federal Rule of Civil Procedure 8(a)(2) provides that a complaint must contain a short and plain statement of the claim showing that the pleader is entitled to relief. Under Federal Rule of Civil Procedure 12(b)(6), "a complaint must contain sufficient factual matter ... to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* (citing *Twombly*, 550 U.S. at 556). Plaintiff is proceeding *pro se* and is entitled to a liberal construction of her pleading; however, "this liberal construction does not require the court to ignore clear defects in pleading," or to "conjure up questions never squarely

¹ What Plaintiff labels the "Fair Employment Act" may simply be a duplication of her Title VII claim, however, this is unclear from her Complaint.

presented in the complaint,” *Jefferies v. UNC Reg'l Physicians Pediatrics*, 320 F. Supp. 3d 757, 759–61 (M.D.N.C. 2018) (internal quotation marks and citation omitted).

Plaintiff bases her statutory causes of action on one paragraph consisting of seven sentences that lack sufficient factual matter to raise Plaintiff’s right to relief above the speculative level. While Plaintiff’s single-paragraph complaint articulates several grievances she has with the Defendant, the allegations are not tied with factual support to any protected category, do not identify an adverse employment action,² and do not allege different treatment from similarly situated employees with one exception. While Plaintiff does allege, “I was paid less than my male counterparts,” this single stand-alone, conclusory, sentence does not offer sufficient factual allegations of disparate pay for work that requires the same skill, effort, and responsibility, and that is performed in the similar working conditions. Instead, the allegation is entirely conclusory, and therefore insufficiently pled.

Plaintiff’s allegations fail to raise her right to relief above the speculative level and establish that her claims are plausible on their face. *Twombly*, 550 U.S. at 555. Accordingly,

IT IS THEREFORE ORDERED that Defendant’s Motion to Dismiss is hereby GRANTED.

Signed: April 9, 2019



Graham C. Mullen
United States District Judge



² Among Plaintiff’s allegations is that she was “terminated after sexually statements and complaints was send to managers on my behalf...which resulted and me terminated.” However, her EEOC Charge does not allege retaliation, only discrimination based upon sex and race. Accordingly, she has failed to exhaust her administrative remedies with regard to any claim of retaliation. *Tonkin v. Shadow Mgmt., Inc.*, 605 F. App’x 194 (4th Cir. 2015).