

Decisions in the Eighth Circuit Rejecting Harassment Claims

Despite Racist Epithets

Since January 1, 2002

Woodland v. Joseph T. Ryerson & Co., Inc., 302 F.3d 839, 843-44 (8th Cir. 2002) (racist poem, “KKK,” swastika, “racial epithets,” drawing of hooded figures)

Griffith v. City of Des Moines, 2003 WL 21976027, at *19-*20 (S.D. Iowa July 3, 2003) (“spics,” “niggers,” “beaner,” “wetbacks,” “stupid Mexican”)

Al-Zubaidy v. TEK Industries, 2003 WL 27384067, at *5-*6 (N.D. Neb. Aug. 14, 2003) (“camel jockey”) (applying *Duncan*)

Gonzalez v. City of Minneapolis, 267 F. Supp. 2d 1004, 1015 (D. Minn. 2003) (“spic”)

Elmahdi v. Marriott Hotel Services, Inc. 339 F.3d 645, 653 (8th Cir. 2003) (“boy,” “black boy”)

Graves v. North Dakota State Penitentiary, 325 F. Supp. 2d 1009, 1011 (D.N.D. 2004) (“KKK”)

Jackson v. Flint Ink No. Am. Corp., 370 F.3d 791, 792-93 (8th Cir. 2004) (“damn nigger,” “damn black,” “nigger,” “nigger rigging,” “nigger shit,” KKK graffiti, drawing of a burning cross) (applying *Woodland*)

Bainbridge v. Loffredo Gardens, 378 F.3d 756, 759 (8th Cir. 2004) (twice a month references for two years to “Jap,” “nip,” “gook”) (applying *Jackson*)

McLemore v. Holiday Stationsores, Inc., 2004 WL 2092012, at *4 (D. Minn. Sept. 17, 2004) (“what’s up my niggah,” reference to size of genitalia of African American men)

Chavez v. City of Osceola, 324 F. Supp. 2d 986, 997 (S.D. Iowa 2004) (multiple references to “dirty Mexican,” “fuckin’ Mexicans” and “spic”) (applying *Bainbridge*)

Arraleh v. County of Ramsey, 2005 WL 3110672, at *7 (D. Minn. Nov. 18, 2005) (“Mr. Cocoa,” “terrorist,” “you people”)

Singletary v. Missouri Dept. of Corrections, 423 F.3d 886, 892-93 (8th Cir. 2005) (“nigger,” “you mean I can’t call him a nigger”) (citing *Duncan* and *Bainbridge*)

Gammon v. Flowers, 211 Fed. Appx. 523, 525 (8th Cir. 2006) (“nigger” used to refer to plaintiff and all other African American workers) (applying *Singletary*)

Scott v. Canadian Nat. Ry. Co., 2006 WL 399692, at *8 (D. Minn. Feb. 17, 2006) (“nigger” and “boy” “frequently”) (applying *Singletary*)

Picket Pin v. Burlington Northern & Santa Fe Ry. Co., 2006 WL 1134912, at *11 (D. Neb. April 27, 2006) (“Indian chanting” directed at Native American employee several times a day, “chief”) (applying *Singletary* and *Bainbridge*)

Miles v. Bellefontaines Habilitation Center, 2006 WL 1663003 (E.D. Mo. June 6, 2006) (“fuck that nigger”) (applying *Jackson* and *Legrand*)

Nelson v. U.S. Dept. of Homeland Security, 2008 WL 2365720, at *3 (E.D. Ark. Aug. 15, 2006) (“nigger,” “black bitch”) (applying *Bainbridge*)

Carpenter v. Con-Way Cent. Express, Inc. 481 F.3d 611, 618 (8th Cir. 2007) (repeated references to “nigger,” “nigger lover,” “nothing but a nigger”) (applying *Singletary* and *Bainbridge*)

McCracklin v. Hanson Pipe & Products, Inc., 2007 WL 274353, at *3 (E.D. Ark. Jan. 27, 2007) (“nigger”) (applying *Singletary*)

Copeland v. Hussman Corp., 2007 WL 3171427, at *8 (E.D. Mo. Oct. 26, 2007) (“nigger,” “niggers go home,” “AIDS niggers go home,” “good nigger,” racist graffiti) (applying *Singletary* and *Jackson*)

Crenshaw v. Nucor Corp., 2008 WL 2561935 at *6 (E.D. Ark. June 25, 2008) (“boy” “many times”) (applying *Bainbridge*)

Banta v. OS Restaurant Services, Inc. 2008 WL 5070336 (N.D. Iowa Dec. 1, 2008) (“nigger,” “black bitch”) (applying *Bainbridge*)

Colenburg v. Starcon Intern. Inc., 656 Fed. Supp. 2d 947, 959 (D. Minn. 2009) (“nigger” several times, “a string of racially derogatory remarks”)

Bishop v. Tyson Foods, Inc. 660 Fed. Supp. 2d 1004, 1019 (W.D. Ark. 2009) (“nigger,” “nigger rigging”, hanging noose, Klan tattoo) (applying *Woodland*)

Watson v. CEVA Logistics, Inc. 2009 WL 10699598, at *6 (W.D. Mo. Sept. 2009) (“KKK,” “I hate niggers,” “kill a nigger today,” “kill the niggers,” “fuck niggers,” “goon,” “fucking nigger,” swastika) (applying *Jackson* and *Woodland*)

Smith v. Fairview Ridges Hosp., 625 F.3d 1076, 1085-86 (8th Cir. 2010) (“buckwheat,” “ghetto,” “runaway slaves,” “she needs to back to the ghetto,” “black aides,” viewing racist websites) (applying *Bainbridge* and *Singletary*)

Pye v. NuAire, Inc., 641 F.3d 1011, 1015 (8th Cir. 2011) (“nigger goon”) (applying *Singletary* and *Bainbridge*)

Rivas v. Iowa Plains Signing, Inc., 2012 WL 1947202, at *6 (D. Neb. May 30, 2012) (“wetbacks,” “spics,” “beaners”)

Griffey v. Daviess/De Kalb County Regional Jail, 2012 WL10881, at *6 (W.D. Mo. June 3, 2012) (“niggers, spicks, and Jews,” “this room for whites only”) (applying *Singletary*, *Woodland* and *Jackson*)

Clay v. LaFarge North American, 985 Fed. Supp. 2d 1009, 1017, 1025 (S.D. Iowa 2013) (“black ass,” “niggerhead,” “boy,” “nigger ducks,” “nigger wheels,” “niggers,” “coonday,” “black monkey”) (applying *Bainbridge*)

Eaton v. WCA Waste Corp., 2014 WL 12539398, at *2 (W.D. Ark. Jan 22, 2014) (“niggers ain’t good for anything but making babies or being shot in the head,” “shoot a monkey”) (applying *Singletary* and *Bainbridge*)

Martin v. Champion Ford, Inc. 41 F. Supp. 3d 747, 759 (N.D. Iowa 2014) (repeated references to “nigger bar,” repeated text messages referring to KKK, burning crosses, noose) (applying *Duncan* and *Woodland*)

Adefris v. Wilson Trades Co., 2016 WL 141762, at *13 (N.D. Iowa Jan. 12, 2016) (“nigger,” “you people”) (applying *Woodland* and *Duncan*)

Walker v. TA Operating LLC, 2016 WL 1452427, at *6 (W.D. Ark. April 13, 2016) (“nigger,” “sand nigger,” “monkey,” two nooses, making monkey sounds) (applying *Singletary* and *Jackson*)

Aaron v. City of Springdale, 2017 WL 2105548, at *7-*8 (W.D. Ark. May 12, 2017) (repeated references to “nigger balls,” “nigger lipped,” “niggers,” “boy,” “rope around your neck”) (applying *Singletary*, *Bainbridge* and *Woodland*)

Abdel-Ghani v. Target Corp., 686 Fed. App. 377, 379 (8th Cir. 2017) (“camel jockey,” “terrorist,” “sand nigger,” “[y]ou should be rounded up in one place and nuke[d]”)