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IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Nov 22-10930-AA

VANESSA A. PHILLIPS,
Plaintiff - Appellant,

versus

MACON BIBB COUNTY GOVERNMENT,
Defendant - Appellee,

MACON BIBB TAX COMMISSIONERS,
Defendant,

Appeal from the United States District Court
for the Middle District of Georgia

ON PETITION(S) FOR REHEARING AND
PETITION(S) FOR REHEARING EN BANC

BEFORE: ROSENBAUM, JILL PRYOR, and GRANT, Circuit Judges.

PER CURIAM:
The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. (FRAP 35) The Petition for Panel Rehearing is also denied. (FRAP 40) Date Filed: 04/14/2023

[DO NOT PUBLISH]

In the United States Court of Appeals
For the Eleventh Circuit
12/30/3022

No. 22-10930
Non-Argument Calendar

VANESSA A. PHILLIPS,

Plaintiff-Appellant,

versus

MACON BIBB COUNTY GOVERNMENT,

Defendant-Appellee,

MACON BIBB TAX COMMISSIONERS,

Defendant.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 5:21-cv-00355-TES

Before ROSENBAUM, JILL PRYOR, and GRANT, Circuit Judges. PER CURIAM:

Vanessa Phillips was fired from her job as a residential appraiser with the Macon-Bibb County Tax Assessor's Office. After she was fired, she sued the county pro se, bringing several claims under Title VII of the Civil Rights Act and the Due Process Clause of the Fourteenth Amendment. The district court determined that Phillips had failed to state a claim. We agree, and we affirm the district court's dismissal of Phillips's complaint.

I.

On February 3, 2021, a work-related incident occurred between Phillips and a taxpayer. Over the next two weeks, she was suspended and then ultimately fired. She filed for unemployment benefits from the State of Georgia, but her application was denied because she had been fired for violating her employer's policies.

Phillips filed a complaint with the EEOC, alleging that she had been fired because of her race and in retaliation for opposition to unlawful employment practices. The EEOC declined to further investigate the claim. Phillips then brought this lawsuit.

The county moved to dismiss the complaint, and the district court found that Phillips had filed an impermissible shotgun pleading and ordered her to file an amended complaint. She did so, alleging discrimination on the basis of race, malicious persecution, malicious prosecution, and violations of due process—and seeking over $800,000 in damages and reassignment and reprimand of two county employees. On the county's motion, the district court dismissed the amended complaint. The court reasoned that Phillips had failed "to allege facts that support her claims for relief' but only offered "legal conclusions couched as factual allegations." It then walked through each Of Phillips's claims, finding them all deficient. Phillips appealed.

II.

We review a dismissal for failure to state a claim de novo, accepting the complaint's factual allegations as true. Wildes v. BitConnect Int'l PLC, 25 F.4th 1341, 1345.

(11th Cir. 2022). To survive a motion to dismiss, a complaint must plead "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice. . . . are not bound to accept as true a legal conclusion couched as a factual allegation." Id (quotation omitted),

Phillips's Title VII claims are a textbook example of legal conclusions couched as factual allegations. She asserts that she was "thoughtlessly suspended and terminated" because she is "not White" and 'from a different culture." But she never provides any specific allegations that would suggest that she was actually fired because of her race, and not because of the February 3 incident. Nor does she allege any facts to suggest that she was fired because she engaged in a protected activity, as is required to state a Title VII retaliation claim. And as for her Title VII malicious prosecution claim, no such claim exists, and we- like the district court – cannot see how to reframe it as a viable claim.

Phillips's Due Process claims fare little better. She claims that she was entitled to notice and a hearing before her termination. But—as Phillips herself recognizes—an individual is only entitled to due process before being fired if she has a property interest in continued employment. See Bd of Regents of State Colleges v. Roth, 408 U.S. 564, 576—78 (1972). And state law determines whether such a property interest exists. Id "Under Georgia law, a public employee has a property interest in employment when that employee can be fired only for cause." City St. Marys v. Brinko, 324 Ga. App. 417, 420 (Ga. Ct. App. 2013) (quotation omitted). If an employee may be fired at will, then that employee has "no property interest protected by the due process clause." Id (quotation omitted).

Phillips herself states that "the state of Georgia is an At-Will employer," and she does not allege that she had any contractual protections form being fired at will. Instead, she appears to argue that she was entitled to due process because the county gave a reason or "cause" for her termination. But "for cause" refers to a legal protection, not to whether the employer explained a firing decision. An

employee does not suddenly acquire a property interest in her employment just because her employer chooses to explain its reasoning for firing her. Phillips has not alleged facts suggesting that she had a property interest in her job, and she therefore failed to state a claim that she was entitled to due process.

Finally, Phillips argues that the county violated her Due Process rights because she was denied unemployment benefits. But the county did not deny her unemployment benefits—the Georgia Department of Labor did. The Georgia Department of Labor's absence from this case alone forecloses this claim.

A federal lawsuit cannot proceed unless the plaintiff alleges specific facts that would demonstrate that the defendant violated the law. Because Phillips failed to meet this standard, we **AFFIRM** the district court's dismissal of her complaint.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

VANESSA A. PHILLIPS,
Plaintiff,

v. **CIVIL ACTION NO. 5:21-cv-00355-TES**

MACON-BIBB COUNTY GOVERNMENT,
Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

Defendant Macon-Bibb County, Georgia, moves to dismiss pro se Plaintiff Vanessa A. Phillip's Amended Complaint [Doc. 6] pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim, See [Doc, 9], For the reasons discussed below, the Court GRANTS Defendant's Motion to Dismiss [Doc, 91].

BACKGROUND

A. Procedural History

On October 6, 2021, Plaintiff filed her original Complaint [Doc, Il against Defendants Macon-Bibb County Government and Macon-Bibb County Tax Commissioners (collectively, "Defendants"), alleging wrongful termination, unfair employment benefit denial, and malicious prosecution. See generally [Doc. 1]. Soon thereafter, each Defendant moved to dismiss Plaintiff's original Complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). See generally [Doc, 3]; [Doc. 4]. The Court, upon review of Plaintiff's original Complaint, agreed with both Defendants that it constituted an impermissible shotgun pleading. [Doc. 5, pp. 2-4]. However, rather than dismiss it entirely on this ground, the Court provided Plaintiff "'the opportunity to file an amended complaint that conform[ed] to the Federal Rules and the pleading standards strictly adhered to in the Eleventh Circuit." at pp. 4—5]. Plaintiff took advantage of this opportunity and filed an Amended Complaint [Doc. 6].

In Plaintiff's Amended Complaint, she names Macon-Bibb County Government as the sole Defendant. [Doc 6, p. 1]. She alleges race discrimination, malicious persecution, and malicious prosecution in violation of Title VII of the Civil Rights Act of 1964, 42 U.C.S §2000e et seq., ("Title VII"), federal due process violations, and defamation. [Id.]. These claims arise from events that unfolded during Plaintiff's employment with the Macon-Bibb County Government.

By way of background, Plaintiff worked as residential appraiser in the Macon-Bibb County Tax Assessor's Office. Sec generally [Doc, 6]. On February 9, 2021, Plaintiff's immediate supervisor - Assistant Chief Residential Appraiser Kema Bishop, called Plaintiff into her office to discuss a work-related incident that had occurred seven days earlier. [Id. at ¶ 1]. Deputy Chief Director Jody Claborn and the former Director of Human Resources Alisha Duhart would also be parties to the discussion. [Id]. When Plaintiff entered Bishop's office, she noticed signed suspension/separation paperwork regarding her employment with the Tax Assessor's Office. [ld.].

Bishop and Duhart initiated the discussion by asking Plaintiff about her understanding of the events that unfolded on February 3, 2021. [Id. at ¶ 2]. At the close of their questioning, one of the women asked Plaintiff if she had anything additional to share about the incident. [Id. at 2]. In response, Plaintiff asked the women whether they had contacted a witness to the incident so that she could provide her version of events. [Id. at 31. Bishop informed Plaintiff that the witness had not been contacted because there was no need, [Id.]. Duhart then handed Plaintiff a computer-generated template, titled "Notice of Proposed Disciplinary Action" for her to sign. [Id.].

On February 16, 2021, Defendant terminated Plaintiff's employment with the Tax Assessor's Office. [Id, at 4]. Following her termination, Plaintiff applied for unemployment benefits with the Georgia Department of Labor. [Id. at ¶ 5]. A claims examiner with the Georgia Department of Labor denied Plaintiff's application for unemployment benefits. [Id.]. She filed suit soon thereafter.

As noted above, the Court found Plaintiff's original Complaint to be an

impermissible shotgun pleading. (Doc. 5]. The Court afforded Plaintiff the opportunity to amend her original Complaint, which she did. [Id]; [Doc, 6].

In response to this amended pleading, Defendant Macon-Bibb County, Georgia; chose not to file an answer. Instead, it once again moved for dismissal under Rule 12(b)(6), largely arguing that Plaintiff failed to state plausible claims for relief or adhere to the minimum federal pleading standards. [Doc. 9]. Six days later, Plaintiff filed her Response [Doc. 101 to Defendant's Motion to Dismiss.

B. Legal Standard

A complaint survives a motion to dismiss only if it alleges sufficient factual matter - accepted as true - that states a claim for relief that is plausible on its face. McCullough v. Finley, 907 F.3d 1324, 1333 (11th Cir. 2018) (citing Ashcroft v, Iqbal, 556 US. 662, 678 -79 (2009)). In fact, a well-pled complaint "may proceed even if it strikes a savvy judge that actual proof of those facts is improbable, and that a recovery is very remote and unlikely." Bell All Corp. v. Twombly, 550 U.S. 544, 556 (2007).

Although Federal Rule of Civil Procedure 8 does not require detailed factual allegations, it does require "more than [ ] unadorned, the-defendant-unlawfully-harmed-me accusation[s]." McCullough, 907 F.3d at 1333 (citation omitted). To decide whether a complaint survives a motion to dismiss, district courts are instructed to use a two-step framework. Id. The first step is to identify the allegations that are "no more than mere conclusions," Id. (quoting Iqbal, 556 U.S. at 679). "Conclusory allegations are not entitled to the assumption of truth." Id. (citation omitted). After disregarding the conclusory allegations, the second step is to "assume any remaining factual allegations are true and determine whether those factual allegations 'plausibly give rise to an entitlement to relief.'" Id. (quoting Iqbal, 556 U.S. 679).

Furthermore, a complaint attacked by a 12(b)(6) motion is subject to dismissal when it fails to "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests," Twombly, 550 US. at 555. A plaintiff "must plead more than labels and conclusions or a formulaic recitation of the elements of a cause of action." McCullough, 907 F.3d at 1333 (internal quotations omitted); see also Twombly, 550 U.S. at 555. To be sure, a plaintiff may use

legal conclusions to structure his complaint, but legal conclusions 'must be supported by factual allegations.'" McCullough, 907 F.3d at 1333 (quoting Iqbal, 556 U.S. at 679). While courts, in ruling on a motion to dismiss, must take all of the factual allegations in the complaint as true; they are not bound to accept a legal conclusion couched as a factual allegation. Iqbal, 556 U.S. at 678. Courts must "identify conclusory allegations and then discard them - not 'on the ground that they are unrealistic or nonsensical' but because their conclusory nature 'disentitles them to the presumption the presumption of truth.'" McCullough, 907 F.3d at 1333 (quoting Iqbal, 556 U.S. at 681).

The focus of a Rule 12(b)(6) standard is not whether a plaintiff will ultimately prevail, but "whether [he] is entitled to offer evidence to support [his] claims." Schener v, Rhodes, 416 U.S. 232, 236 (1974), overruled on other grounds by Davis v. 468 US. 183 (1984). The factual allegations in a complaint "must be enough to raise a right to relief above the speculative level" and cannot "merely create[ ] a suspicion of a legally cognizable right of action." Twombly, 550 U.S. at 545, 555. Finally, complaints that tender ""'naked assertion[s]' devoid of 'further factual enhancement'" will not

survive against a motion to dismiss. Iqbal, 556 U.S. at 678 (quoting Twombly, 550 US. at 557) (alteration in original), Stated differently, a complaint must allege enough facts "to raise a reasonable expectation that discovery will reveal evidence" supporting a claim, Twombly, 550 US. at 556.

DISCUSSION

To start, Plaintiff's Amended Complaint altogether fails to satisfy the pleading requirements set forth in Federal Rules of Civil Procedure 8(a) and 10(b). Rule 8(a) requires that a complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Twombly, 550 US, at 554. Rule 10(b) requires a party 10 "state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances[.]" Fed, R. Civ. P. 10(b). Here, Plaintiff fails to allege facts that support her claims for relief. Instead, her pleading consists of legal conclusions couched as factual allegations. Plaintiff spends most of her time making legal arguments and citing caselaw, rather than alleging facts that could plausibly support her various claims. See generally [Doc. 6]. She also uses her pleading as a vehicle to lobby insults against former employees,

referring to them as "bigots" and "deliberately incompeten[t]." [Id. at p.9].

Furthermore, Plaintiff disregarded the Court's instructions about how to redraft her pleading. The Court expressly told Plaintiff "not [to] use formal language or legalese." [Doc. 5, p, 6], And yet, Plaintiff heavily relies on legalese throughout her pleading to support her arguments. See generally [Doc. 6].

The Court discusses in detail below how Plaintiff's failure to adhere to the requirements set forth in Rules 8 and IO(b) affects each of her claims.

A. Title Vll Claims

1. Race Discrimination

Title VII makes it unlawful for an employer "to discharge...or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race." 42 U.S.C. § 2000e-2(a)(1). To establish an employment discrimination claim, a plaintiff must allege that an employer intentionally discriminated against him based on a protected characteristic. Walker v, NationsBank of Fla., N.A., 53 F,3d 1548, 1556 (11th Cir. 1995). A plaintiff can show intentional discrimination through direct

evidence or circumstantial evidence. Shannon v, Nat'l R.R. Passenger corp., 774 F. App'x 529, 540 (11th Cir. 2019) (citing Alvarez Vi Royal Atl. Devs., Inc., 610 F.3d 12531 1264 (11th Cir. 2010)), Under the McDonnell Douglas framework, a plaintiff can create an "inference of discrimination through his prima facie case." Vessells v. Atlanta Sch. Sys., 408 F .3d 763, 767 (11th Cir. 2005) (citing McDonnell Douglas corp. v. Green, 411 U.S, 792 (1973)), To establish a prima facie case of race discrimination, a plaintiff must show that (1) she is a member of a protected class; (2) she was qualified for her position; (3) she suffered an adverse employment action; and (4) she was cither replaced by a person outside her protected class ot treated less favorably than a similarly-situated individual outside her protected class. smith v. CF12M Hill, Inc., 521 F. App'x 773, 775 (1 Ith Cir. 2013).

That being said, the Supreme Court has made it clear that "an employment discrimination plaintiff need not plead a prima facie case of discrimination [under the McDonnell Douglas framework]...to survive a motion to dismiss[.]"

Swierkiewicz v. Sorema N.A., 534 U.S. 506, 515 (2002). "This is because McDonnell

Douglas's burden-shifting framework is an evidentiary standard, not a pleading requirement." Surtain v. Hamlin Terrace Found., 789 F.3d 1239, 1246 (11th Cir. 2015). To elaborate on this point, the Eleventh Circuit has held that "[t]o state a race discrimination claim under Title VII, a complaint need only 'provide enough factual matter (taken as true) to suggest intentional race discrimination." (d, (quoting Davis v. Coca-Cola Boltling Co. Consol, 516 F.3d 955, 974 (11th Cir. 2015)); see Gomez v. City of Doral, No. 21-11093, 2022 WL 19201, at *2 (11th Cir, Jan. 3, 2022) (stating that "[tlhe pertinent question, as always, is whether [plaintiff's] complaint provides enough factual matter (taken as true) to suggest intentional... discrimination[]"). Plaintiff need only allege facts sufficient to state a plausible claim that Defendant violated Title VII. See Jacob V Biando, 592 F, App'x 838, 840-41 (11th Cir, 2014). However, even under this rudimentary pleading standard, the Court struggles to conclude that the factual allegations set forth in Plaintiff's Amended Complaint plausibly suggest race discrimination.

In her racial discrimination claim, Plaintiff fails to expressly allege that she belongs to a protected class. Instead, she asserts that she

"was illegally and thoughtlessly suspended and terminated simply because she... is not White, is from a different culture1, a bottom rung employee that carried herself as a somebody." [Doc. 6, p. 4]. While an individual's race is a protected class under Title VII, in this matter, Plaintiff has failed to identify anything about her race other than to say that she is "not White." Additionally, while Plaintiff repeatedly asserts that "she is of no consequence to [Defendant] because she is not White[,]" she fails to allege any facts showing that Defendant acted discriminatorily toward her because of her race, To summarize— Plaintiff clearly believes that she was terminated from her employment due to Defendant's prejudicial, racial biases, However, unfounded beliefs of discrimination are not sufficient to state a claim under Title VII, Plaintiff fails to allege facts that might plausibly suggest a reasonable inference that Defendant's purported racial biases played any role in her termination. For that reason alone, the Court must dismiss Plaintiff's race discrimination claim.

2. Malicious Persecution

Next, Plaintiff alleges that Defendant maliciously persecuted her in violation of Title VII. No such claim exists under the provisions of

Title VII. However, upon review of the facts alleged under this claim, it appears the Plaintiff may have intended to assert a claim for retaliation under Title VII. See e.g., [Doc. 6, p. 4 (citing Thompson v. N. Anti Stainless, LP, 562 U.S. 170 (2011))]. Even liberally construing the facts under such a theory, the Court must still conclude that Plaintiff fails to state a claim upon which relief can be granted.

Plaintiff alleges that prior to her termination she spoke to Andrea Crutchfield, an employee at the Macon-Bibb County Tax Office, about acquiring the services of a certified public accountant. [Doc. 6, p. 4]. In turn, Crutchfield provided the contact information for a certified public accountant that her husband recommended. [Id,]. Plaintiff alleges that after her termination, Crutchfield personally contacted that accountant and "requested that [she] drop the Plaintiff as a client." [Id.]. She alleges that based on this action, Crutchfield "went out of her way, outside of her offic[ial] capacity to maliciously harm (persecute) [her]." [Id.]. Not one of these factual allegations support a claim for retaliation under Title VII.

Title VII makes it unlawful for an employer to retaliate against an employee simply because she "has opposed any practice

made an unlawful employment practice.. or because [s]he made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under [Title VII]." 42 U.S.C. S § 2000e-3(a). To state a claim for retaliation under Title VII, a plaintiff must allege the following elements: (1) she participate an activity protected by Title VII; (2) she suffered adverse employment action; and (3) there is a causal connection between the participation in the protected activity and the adverse action. Pipkins v. City of Temple Terrace, 267 F.3d 1197, 1201 (11th Cir. 2001), Once again, the Court wishes to make clear that Plaintiff need not have made out a prima facie case of retaliation in her pleading to survive a motion to dismiss; it is sufficient for her to have alleged facts that suggest retaliation. Cox v. Fulton Cnty. Sch. Dist., No. 1:19-cv-04520-JPB-RGV, 2020 WL 3046092, at *5 (N.D. Ala. May 22, 2020) (citing Melton v. Nat'l Dairy LLC, 705 F,Supp.2d 1303, 1315 (M.D. Ala. 2010)). Even so, Plaintiff hasn't done that. She does not allege that she was terminated or suffered some other adverse employment action as a result of her participation in a statutorily protected activity. She simply complains that someone

wholly unrelated to the Macon-Bibb County Tax Assessor's Office decided to "drop [herl as a client based on Crutchfield's suggestion." [Id.]. Accordingly, to the extent that Plaintiff brings a retaliation claim under Title VII, it is dismissed.

3. Malicious Prosecution

Plaintiff asserts a claim for malicious prosecution in violation of Title VII, alleging that "Alisha Duhart, Andrea Crutchfield, and Jody Claiborn in their official capacities, thus [Defendant], purposefully terminated [her] knowing full well that (her] due process was violated." [Doc, 6, p. 41. There is no such claim for malicious prosecution under the provisions of Title VII. Accordingly, the Court has no choice but to dismiss this claim.

B. Due Process Violations

In her final claim, Plaintiff alleges that Defendant violated her due process rights (presumably, under the Fourteenth Amendment) when the County denied her unemployment benefits and failed to hold a formal hearing prior to terminating her employment. The Court considers each allegation in turn.

1. Unemployment Benefits

There are few facts alleged about Plaintiff's denial of unemployment benefits. It appears that the crux of this claim stems from her belief that Defendant "slander[ed]" her name, and as a result, the Georgia Department of Labor denied her application for unemployment benefits. [Doc. 6, p, 9], While there are several issues with this claim, the Court starts with the most concerning—i.e., the acknowledged fact that Defendant was not the one to deny Plaintiff her application for unemployment benefits. Rather, the Georgia Department of Labor (an unnamed party) was the one that made the decision that Plaintiff ultimately complains about in this action.

In its Motion to Dismiss, Defendant discusses in detail the administrative procedures in place at the state level that govern an individual's eligibility for unemployment benefits. [Doc, 9, pp. 8—10], Defendant argues that judicial review of the Georgia Department of Labor's decision whether to grant or deny unemployment benefits "is only permitted after the party claiming to be aggrieved has exhausted her administrative remedies as provided by [Georgia's] Employ[ment] Security Law," [Id. at p. 9 (citing O.C,G.A. S The contention is that Plaintiff never exhausted these remedies; her

Amended Complaint is completely devoid of discussion regarding an administrative hearing on her unemployment benefits request. Therefore, even under a liberal reading of the pleading, the Court cannot understand how Plaintiff sufficiently states a claim for a federal due process rights violation against the only named Defendant in this action.

2 Hearing Prior to Termination

In her last claim, Plaintiff alleges that Defendant violated her due process rights under the Fourteenth Amendment by terminating her without a formal hearing before "an unbiased tribunal[.]" [Doc, 6, p. 7]. Plaintiff claims that as a public employee she has a protectable property interest in her job.

To Plaintiff's credit, "[a]s a general matter, an employer who discharges an employee with a property interest in [her] job must afford that employee with due process—notice, and an opportunity to be heard before an impartial tribunal—before he implements the adverse employment action. "Zimmerman v. Cherokee Cnty., 925 F, Supp. 777, 781 (N.D. Ga. 1995) (citing Hatcher v. Bd, of Pub. Educ. & Orphanage, 809 F.2d 1546 (11th Cir, 1987)).

However, not every employee has a protectable property interest in her job such that she must be afforded due process. "State law determines whether a public employee has a property interest in... her job." Warren v. Crawford, 927 F.2d 559, 563 (11th Cir. 1991) (citing Bishop v, Wood, 426 U.S. 341, 341 (1976)), "Under Georgia law, a public employee generally has no protected property interest unless he or she is employed under a civil service system, which allows termination only for cause." Brett v, Jefferson Cnty., 123 F.3d 1429, 1433-34 (11th Cir. 1997) (citing Warren 927 F.2d at 562). In contrast, an at-will employment arrangement "permits [an] employer to discharge [an] employee for any reason whatsoever[.l" H&R Block E, Enterprises, Inc. v. Morris, 606 F.3d 1285, 1294 (11th Cir. 2010). For that reason, an at-will public employee generally has no protected interest in her employment. Ogletree v, Chester, 682 F,2cl 1366, 1369 (11th Cir, 1982) (citation omitted). "If [al plaintiff lacks a property interest in [her] employment, then [she] cannot prevail on [herl procedural due process claim," Zimmerman, 925 F. Supp. at 781 (citing Warren, 927 F.2d at 562).

In Plaintiff's Amended Complaint she acknowledges that under Georgia law, employees are employed at will. She has failed to

plead any facts sufficient to show that a written agreement between her and her employer existed that might alter her at-will status.

The Court concludes that Plaintiff has failed to show that she has a protected property interest in her job such that she must be afforded due process under the Fourteenth Amendment prior to termination. For that reason, the Court must dismiss such a claim.

CONCLUSION

For the reasons discussed above, the Court GRANTS Defendant's Motion to **Dismiss** Plaintiff's Amended Complaint [Doc. 9].

SO ORDERED this 11th day of March 2022.

TILMAN E. SELF, III JUDGE