

**UNPUBLISHED****UNITED STATES COURT OF APPEALS  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

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**No. 24-1935**

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**PERTEACHER DRONE,****Plaintiff - Appellant,****v.**

**JAMES DUFF, Director, Administrative Office of the United States Courts; REBECCA BEACH SMITH, Chief Judge, in her official capacity as United States District Judge for the Eastern District of Virginia; MARY ANNE VOGEL, then Chief United States Probation Officer, in her official capacity as Chief Probation Officer for the Eastern District of Virginia; MARY K. FARASHAHI, then Acting Chief Probation Officer, in her official capacity as Chief Probation Officer; VELMA K. BENNS, In his individual capacity as Supervisory Probation Officer; DANIEL GUERTLER, in his individual and official capacity as Supervisory Probation Officer; DEBORAH CRAMER, in her official capacity as Employment Dispute Resolution Coordinator,**

**Defendants - Appellees.**

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**Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. John A. Gibney, Jr., Senior District Judge. (3:17-cv-00332-JAG)**

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**Submitted: March 27, 2025****Decided: March 31, 2025**

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**Before THACKER and BERNER, Circuit Judges, and KEENAN, Senior Circuit Judge.**

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**Dismissed by unpublished per curiam opinion.**

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**PER CURIAM:**

Perteacher Drone seeks to appeal the district court's granting Defendant's motion to dismiss Drone's wrongful termination claims. We dismiss the appeal for lack of subject matter jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party in a civil case, the notice of appeal must be filed no more than 60 days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

The district court entered its order on December 29, 2017, and the appeal period expired on February 27, 2018. Drone filed the notice of appeal on August 29, 2024. Because Drone failed to file a timely notice of appeal and failed to obtain permission to extend or reopen the appeal period, we dismiss the appeal. We also deny Drone's motion for appointment of counsel.

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.

***DISMISSED***

FILED: March 31, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 24-1935  
(3:17-cv-00332-JAG)

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PERTEACHER DRONE

Plaintiff - Appellant

v.

JAMES DUFF, Director, Administrative Office of the United States Courts; REBECCA BEACH SMITH, Chief Judge, in her official capacity as United States District Judge for the Eastern District of Virginia; MARY ANNE VOGEL, then Chief United States Probation Officer, in her official capacity as Chief Probation Officer for the Eastern District of Virginia; MARY K. FARASHAHI, then Acting Chief Probation Officer, in her official capacity as Chief Probation Officer; VELMA K. BENNS, In his individual capacity as Supervisory Probation Officer; DANIEL GUERTLER, in his individual and official capacity as Supervisory Probation Officer; DEBORAH CRAMER, in her official capacity as Employment Dispute Resolution Coordinator

Defendants - Appellees

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J U D G M E N T

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In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in

APPENDIX A

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accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

FILED: March 31, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUITNo. 24-1935, Perteacher Drone v. James Duff  
3:17-cv-00332-JAG

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NOTICE OF JUDGMENT

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Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

**PETITION FOR WRIT OF CERTIORARI:** The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; [www.supremecourt.gov](http://www.supremecourt.gov).

**VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:** Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov), or from the clerk's office.

**BILL OF COSTS:** A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

**PETITION FOR REHEARING AND PETITION FOR REHEARING EN**

**BANC:** A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 40, Loc. R. 40(c)).

**MANDATE:** In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM  
(Civil Cases)

**Directions:** Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

- Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is \$600 (effective 12/1/2023). The \$5 fee for filing a notice of appeal is recoverable as a cost in the district court.
- Itemize the costs (not to exceed \$.15 per page) for copying the necessary number of formal briefs and appendices. (The court typically orders 4 copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.
- Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees).

Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: \_\_\_\_\_

Prevailing Party Requesting Taxation of Costs: \_\_\_\_\_

Appellate Docketing Fee (prevailing appellants):			Amount Requested: _____			Amount Allowed: _____	
Document	No. of Pages		No. of Copies		Page Cost (≤\$.15)	Total Cost	
	Requested	Allowed (court use only)	Requested	Allowed (court use only)		Requested	Allowed (court use only)
TOTAL BILL OF COSTS:						\$0.00	\$0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.
3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Certificate of Service

I certify that on this date I served this document as follows:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

PERTEACHER DRONE,  
Plaintiff,

v.

Civil Case No. 3:17-cv-332

JAMES DUFF, et al.,  
Defendants.

**OPINION**

The plaintiff, Perteacher Drone, worked as a United States probation officer for the Eastern District of Virginia ("EDVA") until September 30, 2013. Drone alleges that the district terminated her without cause and without a hearing in violation of her Fifth and Fourteenth Amendment rights, 18 U.S.C. § 3602, and the EDVA Employment Dispute Resolution ("EDR") Plan. The defendants have moved to dismiss. Because the Court lacks subject matter jurisdiction over Drone's claims and she fails to state a claim upon which relief can be granted, the Court grants the defendants' motion to dismiss.

**I. BACKGROUND**

Drone formerly worked as a probation officer in the EDVA, where she supervised a releasee named C.T. In December 2012, the United States Probation Office for the EDVA began to investigate the way Drone handled C.T.'s case, to determine whether she followed proper protocol and utilized sound professional judgment. Drone read the initial draft investigation report in this matter and provided a written response. After reviewing the report and Drone's response, the chief probation officer at the time, Mary Anne Vogel, issued a notice of adverse action, finding Drone grossly negligent and insubordinate in C.T.'s supervision. Drone timely



appealed the notice of adverse action to EDVA Chief Judge Smith, and, through counsel, submitted a response to Vogel's notice. Chief Judge Smith reviewed these submissions, found a hearing unnecessary to resolve the matter, and issued a decision upholding Vogel's disciplinary action.

On August 7, 2013, Acting Chief Probation Officer Mary R. Farashahi informed Drone that the EDVA planned to abolish her position. After her termination, Drone submitted an EDR complaint, citing discrimination based on age and disability, as well as retaliation and harassment. Deborah Cramer, the appointed EDR Coordinator on this matter, Farashahi, and Drone met pursuant to the second step of the EDR Plan.<sup>1</sup> In the meeting, Farashahi explained to Drone that the EDVA used adverse actions followed by seniority as criteria to eliminate positions; thus, the EDVA abolished Drone's position because of her poor performance and adverse action, not her age or disability.

Drone also raised retaliation and harassment in the meeting, claiming that Supervisory Probation Officer Daniel Guertler harassed her.<sup>2</sup> Following the meeting, Farashahi issued a written decision, finding that the 2013 adverse action did not result from Guertler retaliating against or harassing Drone.<sup>3</sup> Drone appealed the decision to Chief Judge Smith, who set a

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<sup>1</sup> The complaint does not speak to the first step, but the defendants state that Cramer and Drone reviewed the EDR procedures and agreed that, because Drone's claim involved her supervisor, they would skip the first step of the EDR process, which entails filing a complaint with the employee's supervisor.

<sup>2</sup> According to the defendants, Drone alleged that Guertler initiated the investigation into C.T.'s supervision to harass her. Drone believed the EDVA improperly considered the resulting adverse action when deciding to abolish her position, as the action stemmed from Guertler's retaliation against her.

<sup>3</sup> Drone claims she should have had a hearing before this decision. The defendants explain that because the meeting did not resolve Drone's retaliation and harassment claims, Cramer informed Drone that the next step under the EDR procedures would involve a hearing before the Court Unit Executive. Because Farashahi served as the designated unit executive and had participated

hearing on the matter. Drone appeared and counsel represented her at the June 9, 2014 hearing, and Chief Judge Smith gave Drone the opportunity to present evidence and witnesses. (Mot. to Dismiss Ex. 10, at 2, filed under seal.<sup>4</sup>) After the hearing, Chief Judge Smith issued a confidential written decision upholding Farashahi's decision.

Drone appealed to the Fourth Circuit Judicial Council, which affirmed Chief Judge Smith's decision. Drone then brought this suit against judicial branch employees involved in her employment proceedings in their official capacities, as well as Guertler and Deputy Chief Probation Officer Benns in their individual capacities. Drone seeks reinstatement and expungement of the adverse action, as well as back pay and associated benefits.

## II. DISCUSSION<sup>5</sup>

Drone claims violations of due process, 18 U.S.C. § 3602(a),<sup>6</sup> and the district EDR Plan. The defendants argue that the Court lacks subject matter jurisdiction over Drone's claims

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in the meeting, the parties agreed that Farashahi would instead issue a written decision and Drone's claim would proceed from there.

<sup>4</sup> In ruling on a motion to dismiss, courts may consider documents submitted by the movant if the documents are integral to the complaint and indisputably authentic. *Witthohn v. Fed. Ins. Co.*, 164 F. App'x 395, 396 (4th Cir. 2006).

<sup>5</sup> The defendants have moved to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and (b)(6). A motion under Rule 12(b)(1) tests the court's subject matter jurisdiction. The plaintiff bears the burden of proving proper subject matter jurisdiction as the party asserting jurisdiction. *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982). A Rule 12(b)(6) motion gauges the sufficiency of a complaint without resolving any factual discrepancies or testing the merits of the claims. *Republican Party of N.C. v. Martin*, 980 F.2d 943, 952 (4th Cir. 1992). In considering the motion, a court must accept all allegations in the complaint as true and must draw all reasonable inferences in favor of the plaintiff. *Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc.*, 591 F.3d 250, 253 (4th Cir. 2009) (citing *Edwards v. City of Goldsboro*, 178 F.3d 231, 244 (4th Cir. 1999)). The principle that a court must accept all allegations as true, however, does not apply to legal conclusions. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). To survive a Rule 12(b)(6) motion to dismiss, a complaint must state facts that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* "A claim has facial plausibility 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 *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007)).

because the Civil Service Reform Act (“CSRA”) governs this matter. They also state that sovereign immunity bars her claims against the defendants in their official capacities. Finally, the defendants move to dismiss because Drone fails to state a claim against the defendants in their individual capacities.

### *A. Subject Matter Jurisdiction*

#### *1. Civil Service Reform Act*

The CSRA “established a comprehensive system for reviewing personnel action taken against federal employees.” *United States v. Fausto*, 484 U.S. 439, 455 (1988). The CSRA divides civil service employees into Senior Executive Service, competitive service, and excepted service employees. *Id.* at 441 n. 1. Senior Executive Service employees hold high-level executive branch positions. *Id.* The competitive service includes all other executive branch employees that a statute or regulation does not specifically exclude. *Id.* Excepted service employees do not fall within the other two categories. *Id.*

Congress deliberately excluded certain federal employees from the CSRA’s provision of administrative and judicial review. *Fausto*, 484 U.S. at 555. Only “employees” may use these review procedures. *Elgin v. Dep’t of Treas.*, 567 U.S. 1, 5 (2012). The term “employees” encompasses those in the competitive service and members of the excepted service who meet certain requirements. *Id.* Judicial branch employees fall within the excepted service category and cannot utilize the CSRA review procedures unless they qualify for preferential treatment or meet particular eligibility requirements not applicable in this case.<sup>7</sup> *Semper v. Gomez*, 747 F.3d

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<sup>6</sup> Though unnecessary to decide this motion, the Court notes that this provision enables the appointing court to remove a probation officer for cause. 18 U.S.C. § 3602(a).

<sup>7</sup> For instance, certain veterans and close family qualify as “preference eligible.” *Semper v. United States*, 694 F.3d 90, 92 n. 1 (Fed. Cir. 2012) (citing 5 U.S.C. § 2108). The CSRA may also cover certain excepted service personnel who served a probationary or trial period pending

229, 235–36 (3d Cir. 2014) (“*Semper II*”). Probation officers, as judicial employees, cannot use the CSRA review procedures. *Dotson v. Griesa*, 398 F.3d 156, 169–70 (2d. Cir. 2005).

Congress repeatedly expressed its clear intent to exclude judicial employees from the CSRA review procedures. In the CSRA, Congress specifically included certain excepted service employees, while excluding all others. *Fausto*, 484 U.S. at 448. After *Fausto*, Congress amended the CSRA to expand review rights for some excepted service executive branch employees, but did not do the same for judicial employees. *Dotson*, 398 at 170–71. Congress also enacted a statute in 1990 to close a statutory loophole because it had granted CSRA review rights to certain U.S. Courts Administrative Office employees. *Semper II*, 747 F.3d at 240. These actions indicate Congress considered the separation of powers and judicial independence concerns that arise in connection with judicial branch employment disputes. *Id.*

Congress did not provide CSRA review to judiciary employees in part because the judiciary has its own adequate employment dispute review procedure. *Semper II*, 747 F.3d at 243. The judiciary “has long provided its personnel with the opportunity to challenge adverse employment decisions and obtain various forms of relief, including reinstatement.” *Id.* at 242. Thus, judicial employees can pursue meaningful relief for employment-related claims within the courts’ own remedial schemes. *Id.* at 235. The EDVA adopted such a review scheme for resolving employment disputes. *See* Employment Dispute Resolution Plan (1999). The EDVA EDR Plan applies to all district and bankruptcy court employees, with some listed exceptions. *Id.* The review structure begins with an informal complaint process, then escalates to more formal procedures involving a hearing before a Court Unit Executive, appeal to the Chief Judge, and circuit judicial council review. *Id.*

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conversion to the competitive service during the relevant period, and those who completed two years of continuous service in the same or similar positions in an executive agency. *Id.* at 92–93.

Like Dotson, Drone worked as a probation officer within the judicial branch, so she cannot utilize the CSRA's review procedures. *Dotson*, 398 F.3d at 163. Because Congress intentionally omitted judicial review of probation officers' employment disputes from this comprehensive legislation, the CSRA precludes district court review of Drone's employment dispute. *Semper II*, 747 F.3d at 235. Just as the Virgin Islands district court's remedial plan did in *Semper*, the EDVA EDR Plan provided Drone with "meaningful review by judicial officers," including an evidentiary hearing before Chief Judge Smith and an appeal to the Fourth Circuit Judicial Council.<sup>8</sup> *Id.* at 242.

For these reasons, this Court lacks subject matter jurisdiction over Drone's claims.

## 2. Sovereign Immunity

Drone has sued all defendants in their official capacities as federal judicial employees. Courts treat suits against government employees in their official capacities as suits against the government entity itself. *Kentucky v. Graham*, 473 U.S. 159, 166 (1985). As sovereign, the United States enjoys immunity unless it consents to a suit. *United States v. Sherwood*, 312 U.S. 584, 586 (1941). "[T]he terms of its consent to be sued in any court define that court's jurisdiction to entertain the suit." *Id.* Courts should "strictly construe[]" alleged waivers of sovereign immunity "in favor of the sovereign." *Lane v. Pena*, 518 U.S. 187, 192 (1996).

The United States has not waived its sovereign immunity with respect to Drone's claims against the defendants in their official capacities.<sup>9</sup> Because sovereign immunity bars these claims, the Court does not have subject matter jurisdiction to hear them.

<sup>8</sup> Drone's complaint also mentions a claim under the EDR Plan itself, but the Plan does not provide for an appeal to the district court. See Employment Dispute Resolution Plan.

<sup>9</sup> To the extent Drone attempts to plead *Bivens* claims, as discussed in Section B., *Bivens* did not waive the federal government's sovereign immunity because remedies against officials under *Bivens* are individual in nature. *Randall v. United States*, 95 F.3d 339, 345 (4th Cir. 1996).

***B. Failure to State a Claim***

Drone also fails to state a claim against Benns and Guertler in their individual capacities. First, to the extent Drone asks these defendants to reinstate her or expunge the adverse action from her record, they cannot provide relief in their individual capacities. Officers sued in their personal capacities “come to court as individuals,” whereas those sued in their official capacities “assume the identity of the government that employs them.” *Hafer v. Melo*, 502 U.S. 21, 27 (1991). Because these defendants, as individuals, cannot reinstate Drone, she fails to state a claim in this regard.

Moreover, Drone cannot sue Benns and Guertler in their individual capacities for damages through a *Bivens* suit. *Bivens* permitted a plaintiff to recover money damages from a federal officer for violations of his Fourth Amendment rights. *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, 397 (1971). Since that decision, the Supreme Court has allowed only two other types of *Bivens* claims for damages.<sup>10</sup> *Dotson*, 398 F.3d at 166. Courts have proceeded cautiously in implying relief under *Bivens*, particularly if the court finds either of two factors: (1) an explicit Congressional declaration that persons injured by a violation may not recover money damages but must instead seek another equally effective remedy; or (2) special factors counseling hesitation in the absence of Congressional affirmative action. *Id.* (citing *Bivens*, 403 U.S. at 396–97).

Circuit courts have consistently held that the CSRA precludes federal employees from bringing *Bivens* actions for constitutional violations in the employment context. *Semper II*, 747

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Furthermore, any purported waiver of sovereign immunity under the Administrative Procedures Act does not apply here, as the Act expressly excludes “the courts of the United States” from its definition of “agency.” 5 U.S.C. § 701(b)(1)(B).

<sup>10</sup> The Supreme Court permitted a *Bivens* suit against a member of Congress for violations of Fifth Amendment due process, and against a federal official for cruel and unusual punishment contrary to the Eighth Amendment. *Dotson*, 398 F.3d at 166.

F.3d at 237 (collecting cases); *see also Dotson*, 398 F.3d at 166 (noting that Congress' enactment and amendment of the CSRA constitutes a "special factor" in the *Bivens* analysis). The CSRA precludes *Bivens* actions even where, as here, employees have no right to administrative or judicial review under the CSRA itself. *Semper II*, 747 F.3d at 237. "The CSRA represents Congress' comprehensive identification of the employment rights and remedies available to federal civil service personnel," and courts generally avoid supplementing such comprehensive statutory relief by implying a cause of action. *Dotson*, 398 F.3d at 160. This Court will not contradict these firmly established principles by extending a *Bivens* action here.

For these reasons, Drone fails to state a claim upon which relief can be granted against Benns and Guertler in their individual capacities.

### III. CONCLUSION

The Court lacks subject matter jurisdiction over Drone's claims because the CSRA precludes district court review of employment disputes that fall outside of the statute's reach. The EDVA EDR Plan provided Drone with meaningful judicial review of her claims. Furthermore, sovereign immunity bars Drone's claims against the defendants in their official capacities, and she fails to state a claim against the defendants in their individual capacities. For these reasons, the Court grants the defendants' motion to dismiss.

The Court will enter an appropriate order.

Let the Clerk send a copy of this Opinion to all counsel of record.

Date: December 14, 2017  
Richmond, VA

/s/  
John A. Gibney, Jr.  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

PERTEACHER DRONE,  
Plaintiff,

v.

Civil Case No. 3:17-cv-332

JAMES DUFF, et al.,  
Defendants.

FINAL ORDER

This matter comes before the Court on the defendants' motion to dismiss. (Dk. No. 17.)  
For the reasons stated in the accompanying Opinion, the Court GRANTS the motion and  
DISMISSES this case WITH PREJUDICE.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: December 14, 2017  
Richmond, VA

/s/ [Signature]  
John A. Gibney, Jr.  
United States District Judge



**Additional material  
from this filing is  
available in the  
Clerk's Office.**