

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANTOINE GEE,
Plaintiff,

v.

Case No. 12-C-0877

**MILWAUKEE BOARD OF
SCHOOL DIRECTORS,**
Defendant.

DECISION AND ORDER

Antoine Gee, who is male, filed a complaint under Title VII of the Civil Rights Act of 1964 in which he alleges that he was subjected to disparate treatment on the basis of his sex while he was employed as an elementary school teacher in the Milwaukee Public Schools. The defendant has filed a motion for summary judgment, see Fed. R. Civ. P. 56, in which it contends, among other things, that Gee cannot prove discrimination under either the direct or indirect method. In his response to the motion, Gee does not point to any evidence of discrimination or make any legal argument at all. See Letter of July 11, 2014, ECF No. 30. Accordingly, I must conclude that there is no genuine dispute as to any material fact and that the defendant is entitled to judgment as a matter of law. The motion for summary judgment will be granted.

Before concluding, I note that I warned Gee that unless he filed a response to the defendant's motion for summary judgment, I would consider the motion unopposed and would grant it. See ECF No. 29. In response to this warning, Gee stated, among other things, that he never received the motion. However, the defendant's certificate of service indicates that the motion was mailed to him at the address that is on file with the court, see

ECF No. 28, which is the proper way to complete service under the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 5(b)(2)(C). Moreover, Gee has not taken any action to obtain a copy of the motion or asked the court for additional time to obtain a copy of the motion and file a proper response. Therefore, assuming it is true that Gee never received a copy of the motion, that is not an excuse for Gee's failure to file a proper response to the motion.

For the reasons stated, **IT IS ORDERED** that the defendant's motion for summary judgment is **GRANTED**. The Clerk of Court shall enter final judgment.

Dated at Milwaukee, Wisconsin, this 18th day of September, 2014.

s/ Lynn Adelman

LYNN ADELMAN
District Judge