

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-2258

JEANNIE QUINTEROS,

Plaintiff - Appellant,

v.

BURLINGTON COAT FACTORY WAREHOUSE CORPORATION; ANGEL
FAITH BUHITE,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Liam O’Grady, Senior District Judge. (1:20-cv-00452-LO-IDD)

Submitted: September 9, 2021

Decided: July 13, 2022

Before WYNN and FLOYD, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Jeannie Quinteros, Appellant Pro Se. D’Ontae D. Sylvertooth, OGLETREE DEAKINS
NASH SMOAK & STEWART, PC, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeannie Quinteros appeals the district court's order granting the defendants' Fed. R. Civ. P. 12(b)(6) motion to dismiss and dismissing with prejudice Quinteros' complaint alleging federal law claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, and the Rehabilitation Act of 1973, 29 U.S.C. §§ 701-796l, plus a Virginia law claim for intentional infliction of emotional distress. Reviewing de novo the district court's dismissal order, we affirm. *See Feminist Majority Found. v. Hurley*, 911 F.3d 674, 685 (4th Cir. 2018) (describing standard of review for Rule 12(b)(6) dismissal).

Starting with Quinteros' Title VII claims, we agree with the district court that those claims were subject to dismissal because Quinteros did not timely file them. *See* 42 U.S.C. § 2000e-5(f)(1) (providing plaintiff 90-day period to file Title VII claim in district court after receiving right-to-sue letter); *Fort Bend Cnty., Tex. v. Davis*, 139 S. Ct. 1843, 1847 (2019) (explaining 90-day period); *Watts-Means v. Prince George's Fam. Crisis Ctr.*, 7 F.3d 40, 42 (4th Cir. 1993) (affirming dismissal of Title VII claims where plaintiff did not file them within 90 days of receiving right-to-sue letter). Next, regarding Quinteros' claim under the Rehabilitation Act, we conclude that Quinteros has forfeited appellate review of the dismissal of that claim by failing to challenge the district court's ruling that the defendants are not subject to the Act. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Finally, we agree with the district court that Quinteros failed to allege conduct on the defendants' part that rises to the level

of “outrageous and intolerable,” which defeats her intentional infliction of emotional distress claim. *Womack v. Eldridge*, 210 S.E.2d 145, 148 (Va. 1974).

Accordingly, we affirm the district court’s dismissal order.* 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

* We reject Quinteros’ contention that the district court erred by dismissing her complaint with prejudice without allowing her an opportunity to amend. *See United States ex rel. Carson v. Manor Care, Inc.*, 851 F.3d 293, 305 n.6 (4th Cir. 2017) (explaining standard of review for district court’s denial of leave to amend). Quinteros was represented by counsel when she filed the complaint underlying this appeal. Additionally, before initiating this lawsuit, Quinteros previously filed a complaint and an amended complaint against the same defendants based on the same set of facts. Finally, Quinteros does not identify any additional facts that would cure the complaint’s deficiencies.