

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

DIANNA C. WALKER

PLAINTIFF

v.

CASE NO. 3:08cv00131 BSM

**ARKANSAS DEPARTMENT OF
COMMUNITY CORRECTION and
DAVID EBERHARD, In His Official
Capacity as Director, Arkansas
Department of Community Correction**

DEFENDANTS

ORDER

Separate defendant, Arkansas Department of Community Correction (“ADCC”), requests the dismissal of plaintiff Dianna C. Walker’s Title VII retaliation claim. [Doc. No. 25]. Walker has responded [Doc. No. 31], and the motion is denied as moot.

ADCC asserts that Walker has failed to allege any facts that she was engaged in protected conduct, an essential element of a Title VII retaliation claim. Protected conduct is the opposition to employment practices that a reasonable person could believe violate Title VII. *Helton v. Southland Racing Corp.*, 600 F.3d 954, 960 (8th Cir. 2010). In the original complaint Walker stated that she took part in writing a letter to Governor Mike Beebe (“Beebe”) and the Internal Affairs Administrator for ADCC, Dicky Johnson (“Johnson”), requesting an investigation. She did not, however, describe the specific contents of the letter.

In her response, Walker maintained that the original complaint was filed prior to obtaining counsel, and indicated that a motion to amend the complaint would be forthcoming. Walker then filed a motion to amend. The motion was granted, and in the amended

complaint Walker more clearly describes the allegations contained in the letter sent to Beebe and Johnson. According to the complaint the letter described the actions taken by ADCC employees with regard to Walker, and alleged favoritism, racism and inequality (sex discrimination).

The amended complaint sufficiently states a Title VII retaliation claim. ADCC's partial motion to dismiss [Doc. No. 25] is therefore denied as moot.

IT IS SO ORDERED this 2nd day of August, 2010.


UNITED STATES DISTRICT JUDGE