

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JOVAN HARTLEY

PLAINTIFF

v.

No. 5:20-CV-05001

CONAGRA BRANDS, INC.

DEFENDANT

**OPINION AND ORDER**

Defendant filed a motion (Doc. 29) for summary judgment and a brief (Doc. 30) and statement of facts (Doc. 31) in support. No response has been filed and the deadline to respond has passed.<sup>1</sup> Facts set out in the statement of facts that are material to this litigation are undisputed for purposes of this motion. Fed. R. Civ. P. 56(e)(2); W.D. Ark. R. 56.1(c).

Plaintiff alleges Defendant unlawfully discriminated against her on the basis of her sex and race and retaliated against her for engaging in protected conduct. With respect to Plaintiff's federal civil rights employment discrimination claims, Defendant has articulated legitimate nondiscriminatory reasons for termination of Plaintiff's employment: Plaintiff had a history of insubordination, violations of company policy, and disagreements with her coworkers. The record reflects undisputed evidence to support these reasons and Plaintiff has submitted no evidence or argument that the reasons are pretextual. Defendant has carried its burden on a motion for summary judgment, and Plaintiff's federal civil rights claims will be dismissed with prejudice. *Harvey v. Anheuser-Busch, Inc.*, 38 F.3d 968, 971, 973 (8th Cir. 1994) (explaining burdens on a motion for summary judgment in employment discrimination action and affirming dismissal where

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<sup>1</sup> Plaintiff has also allowed the deadline to file pretrial disclosure sheets pass without filing anything. Because the Court is dismissing Plaintiff's complaint on the basis of the motion for summary judgment, it declines to consider whether dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) is appropriate.

a plaintiff did not produce evidence that could support a reasonable inference that a defendant's nondiscriminatory reasons for adverse action were pretext for unlawful discrimination).

Plaintiff's remaining claims are state law civil rights, breach of contract, and promissory estoppel claims. The Court's jurisdiction over these claims is conferred by 28 U.S.C. § 1367. Because the Court is dismissing those claims over which it has original jurisdiction prior to a trial on the merits, it declines to exercise jurisdiction over the state law claims, which will be dismissed without prejudice. 28 U.S.C. § 1367(c)(3); *Keating v. Neb. Pub. Power Dist.*, 660 F.3d 1014, 1018-19 (8th Cir. 2011).

IT IS THEREFORE ORDERED that Defendant's motion for summary judgment (Doc. 29) is GRANTED. Plaintiff's federal civil rights claims are DISMISSED WITH PREJUDICE. Plaintiff's remaining state law claims are DISMISSED WITHOUT PREJUDICE. Judgment will be entered separately.

IT IS SO ORDERED this 11th day of February, 2021.

*P. K. Holmes, III*

P.K. HOLMES, III  
U.S. DISTRICT JUDGE