

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

TRACY LATRICE WALKER, )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 5:17-CV-3 (MTT)  
ALDI FOOD MARKET INC, *et al.*, )  
Defendants. )

## ORDER

Plaintiff Tracy Latrice Walker alleges claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, against Defendants Aldi Food Market, Inc., Deborah Shupe, and Molly Hammons. At the October 4, 2017 status conference, the Court informed Walker that Title VII does not provide liability on the part of individual defendants and thus her claims against Defendants Shupe and Hammons would be dismissed unless, within fourteen days of that hearing, Walker advised the Court why those claims should not be dismissed. Walker timely responded to the Court's request arguing Shupe and Hammons acted deliberately against her because of her race. Doc. 19. Despite Walker's arguments, Defendants Shupe and Hammons cannot be liable under Title VII because “[t]he relief granted under Title VII is against the *employer*, not individual employees whose actions would constitute a violation of the Act.” *Cross v. State of Ala., State Dept. of Mental Health & Mental Retardation*, 49 F.3d 1490, 1504 (11th Cir. 1995) (quoting *Busby v. City of Orlando*, 931 F.2d 764, 772 (11th Cir. 1991)).

Accordingly, Walker's claims against Defendants Shupe and Hammons are  
**DISMISSED without prejudice.**<sup>1</sup>

**SO ORDERED**, this 28th day of November, 2017.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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<sup>1</sup> The Court notes that dismissal of the Plaintiff's claim is practically with prejudice because the 90-day period after receipt of her right to sue letter from the EEOC, in which the Plaintiff must file her complaint, has passed. However, as stated, Walker's claims against Shupe and Hammons fail as a matter of law, and any amendment would be futile. Therefore, despite the running of the limitations period, dismissal is warranted.