

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SHARON JACKSON

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*

*

v.

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Civil No. – JFM-10-463

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STATE OF MARYLAND, ET AL.

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MEMORANDUM

Plaintiff has brought this action for employment discrimination against the State of Maryland Department of Budget and Management (“DBM”) and various individuals who were her managers or supervisors at DBM. Defendants have filed a motion to dismiss to which plaintiff has responded. The motion will be granted. The reasons for this ruling may be briefly stated.

1. As plaintiff now concedes, the claim she asserts under the Americans With Disabilities Act is barred by the Eleventh Amendment to the U.S. Constitution.
2. As plaintiff likewise concedes, her claim for religious discrimination is barred by virtue of the fact that she did not check the box noted “religion” on her EEOC charge.
3. Although plaintiff does not so concede, her claims against the individual defendants are likewise clearly barred by the fact that she did not name them in her EEOC charge.
4. Plaintiff’s sole remaining claim, a Title VII claim for race-based harassments against DBM, fails because she has alleged no underlying facts that make such a claim plausible. *See generally Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007); *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009). Her averments are entirely conclusory in nature. The facts alleged by plaintiff give rise to an equally reasonable inference that plaintiff’s supervisors were critical of plaintiff because they were not satisfied with her work performance.

A separate order granting defendants' motion to dismiss is being entered herewith.¹

Date: June 30, 2010

/s/

J. Frederick Motz
United States District Judge

¹ Because plaintiff's claims otherwise fail, I need not address defendant's additional argument that plaintiff failed to properly serve any of the defendants with process.