

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

MICHAEL ALETUM AMBE

*

v.

*

Civil No. CCB-17-1824

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COCA COLA BOTTLING CO., ET AL.

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MEMORANDUM

The plaintiff, Michael Aletum Ambe, representing himself, filed suit against Coca-Cola Bottling Co. Consolidated and three individuals on May 19, 2017 in the District of Columbia, alleging discrimination against him in violation of the Americans with Disabilities Act (“ADA”). The case was transferred to this court because the alleged violations took place at Coca-Cola’s facility in Hanover, Maryland. Ambe, who is hearing-impaired, filed a complaint with the Maryland Commission on Civil Rights (“MCCR”) alleging he was discharged because of his disability. In a written finding attached to Ambe’s complaint, MCCR found no basis to the complaint and instead determined that Ambe was discharged for legitimate reasons and that Coca-Cola employs other hearing-impaired individuals at the same facility who were not discharged.

Ambe’s complaint in court asserted additional claims for failure to promote and unequal terms and conditions of employment, which were neither presented to nor investigated by MCCR. Coca-Cola has filed a motion to dismiss those claims for lack of administrative exhaustion and consequent lack of subject matter jurisdiction in this court. *See Chacko v. Patuxent Inst.*, 429 F.3d 505, 513 (4th Cir. 2005). The motion also seeks dismissal of the discriminatory discharge claim because the complaint fails to contain any claim for relief as required by Fed. R. Civ. P. 8(a). Ambe was provide an opportunity to respond to the motion, and

warned of the consequences for failing to do so. He has not opposed the motion.

Accordingly, the motion to dismiss will be granted by a separate Order which follows.¹

October 31, 2017
Date

/s/
Catherine C. Blake
United States District Judge

¹ The individual defendants, who have not yet been served, also will be dismissed without prejudice.