

**Swierkiewicz v. Sorema N. A., 534 U.S. 506 (2002)**

122 S.Ct. 992, 88 Fair Empl.Prac.Cas. (BNA) 1, 182 A.L.R. Fed. 725...



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Overruling Recognized by [Woods v. City of Greensboro](#), 4th Cir.(N.C.), May 5, 2017

122 S.Ct. 992

Supreme Court of the United States

Akos **SWIERKIEWICZ**, Petitioner,

v.

**SOREMA** N. A.

No. 00-1853.

Argued Jan. 15, 2002.

Decided Feb. 26, 2002.

**Synopsis**

Former employee brought suit against employer, asserting claims of racial discrimination in violation of Title VII, and under Age Discrimination in Employment Act (ADEA). The United States District Court for the Southern District of New York, [Loretta A. Preska, J.](#), granted employer's motion to dismiss, on basis that employee's complaint did not adequately allege a prima facie case under [McDonnell Douglas](#) standard. Employee appealed, and the United States Court of Appeals for the Second Circuit affirmed, [5 Fed.Appx. 63](#). Certiorari was granted. The United States Supreme Court, Justice [Thomas](#), held that a complaint in an employment discrimination lawsuit need not contain specific facts establishing a prima facie case of discrimination under [McDonnell Douglas](#), but must contain only a short and plain statement of the claim showing that the pleader is entitled to relief, abrogating [Tarshis v. Riese Organization](#), [211 F.3d 30](#), [Jackson v. Columbus](#), [194 F.3d 737](#), and [Austin v. Ford Models, Inc.](#), [149 F.3d 148](#).

Court of Appeals reversed, and matter remanded.

West Headnotes (14)

**[1] Federal Courts**

Pleadings; Dismissal

In reviewing a decision granting a motion to dismiss, appellate court must accept as true all of the factual allegations contained in the complaint.

[1651 Cases that cite this headnote](#)**[2] Civil Rights**

Employment practices

**Civil Rights**

Pleading

Complaint in an employment discrimination lawsuit need not contain specific facts establishing a prima facie case of discrimination under [McDonnell Douglas](#) framework, but instead, must contain only a short and plain statement of the claim showing that the pleader is entitled to relief; abrogating [Tarshis v. Riese Organization](#), [211 F.3d 30](#), [Jackson v. Columbus](#), [194 F.3d 737](#), and [Austin v. Ford Models, Inc.](#), [149 F.3d 148](#). Fed.Rules Civ.Proc.Rule 8(a)(2), 28 U.S.C.A.

[2724 Cases that cite this headnote](#)**[3] Civil Rights**

Employment practices

**Civil Rights**

Pleading

Requirement under [McDonnell Douglas](#) that an employment discrimination plaintiff must establish a prima facie case is an evidentiary standard, not a pleading requirement.

[1953 Cases that cite this headnote](#)**[4] Civil Rights**


Pleading

A Title VII complaint need not contain greater particularity, as this would too narrowly constrict the role of the pleadings; rather, the ordinary rules for assessing the sufficiency of a complaint apply to Title VII actions. Civil Rights Act of 1964, § 701 et seq., as amended, [42 U.S.C.A. § 2000e et seq.](#)

[172 Cases that cite this headnote](#)

**[5] Civil Rights**


🔑 Practices prohibited or required in general; elements

If an employment discrimination plaintiff is able to produce direct evidence of discrimination, he may prevail without proving all the elements of a prima facie case under  *McDonnell Douglas* standard.

[938 Cases that cite this headnote](#)

**[6] Civil Rights**

🔑 Practices prohibited or required in general; elements

Precise requirements of a prima facie case under  *McDonnell Douglas* standard applicable to employment discrimination actions can vary depending on the context, and were never intended to be rigid, mechanized, or ritualistic.

[479 Cases that cite this headnote](#)

**[7] Federal Civil Procedure**

🔑 Claim for relief in general

To provide a short and plain statement of the claim showing that the pleader is entitled to relief, as is required to satisfy pleading requirements, a complaint must simply give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests. [Fed.Rules Civ.Proc.Rule 8\(a\)\(2\), 28 U.S.C.A.](#)

[7223 Cases that cite this headnote](#)

**[8] Federal Civil Procedure**

🔑 Claim for relief in general

Simplified notice pleading standard applicable under Federal Rules of Civil Procedure relies on liberal discovery rules and summary judgment motions to define disputed facts and issues and to dispose of unmeritorious claims [Fed.Rules Civ.Proc.Rule 8\(a\)\(2\), 28 U.S.C.A.](#)

[1362 Cases that cite this headnote](#)

**[9] Federal Civil Procedure**

🔑 Claim for relief in general

Simplified pleading standard established by Federal Rules of Civil Procedure applies to all civil actions, with limited exceptions. [Fed.Rules Civ.Proc.Rule 8\(a\)\(2\), 28 U.S.C.A.](#)

[1066 Cases that cite this headnote](#)

**[10] Civil Rights**

🔑 Employment practices

**Civil Rights**

🔑 Pleading

Complaints in employment discrimination actions need only satisfy the simple notice pleading requirements of provision of Federal Rules of Civil Procedure, and are not subject to a heightened pleading standard. [Fed.Rules Civ.Proc.Rules 8\(a\), 9\(b\), 28 U.S.C.A.](#)

[362 Cases that cite this headnote](#)

**[11] Federal Civil Procedure**

🔑 Clear or certain nature of insufficiency

Under simplified standard for pleading set forth in Federal Rules of Civil Procedure, a court may dismiss a complaint only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations; if a pleading fails to specify the allegations in a manner that provides sufficient notice, a defendant can move for a more definite statement before responding, and moreover, claims lacking merit may be dealt with through summary judgment. [Fed.Rules Civ.Proc.Rules 8, 12\(e\), 56, 28 U.S.C.A.](#)

[3759 Cases that cite this headnote](#)

**[12] Federal Civil Procedure**

🔑 Claim for relief in general

Liberal notice pleading permitted under Federal Rules of Civil Procedure is the starting point of a simplified pleading system, which was adopted

to focus litigation on the merits of a claim.  
[Fed.Rules Civ.Proc.Rule 8\(a\)](#), 28 U.S.C.A.

[737 Cases that cite this headnote](#)

### [13] Civil Rights

#### 🔑 Pleading

Complaint in which former employee alleged that he had been terminated on account of his national origin, in violation of Title VII, and in account of his age, in violation of ADEA, and in which he detailed the events leading to his termination, provided relevant dates, and included ages and nationalities of at least some of relevant persons involved in his termination, gave employer fair notice of employee's claims and grounds upon which they rested, and thus was sufficient to state Title VII and ADEA claims, notwithstanding failure to allege facts in complaint constituting a prima facie case of discrimination under [McDonnell Douglas](#) standard. Age Discrimination in Employment Act of 1967, § 2 et seq., 29 U.S.C.A. § 621 et seq.; Civil Rights Act of 1964, § 701 et seq., as amended, [42 U.S.C.A. § 2000e et seq.](#)

[1539 Cases that cite this headnote](#)

### [14] Federal Civil Procedure

#### 🔑 Claim for relief in general

Federal Rules of Civil Procedure establish a pleading standard without regard to whether a claim will succeed on the merits, and while it may appear on the face of the pleadings that a recovery is very remote and unlikely, that is not the test in determining whether a complaint is sufficient. [Fed.Rules Civ.Proc.Rule 8\(a\)](#), 28 U.S.C.A.



[266 Cases that cite this headnote](#)


**\*\*994** *Syllabus* \*

Petitioner, a 53-year-old native of Hungary, filed this suit against respondent, his former employer, alleging that he

had been fired on account of his national origin in violation of Title VII of the Civil Rights Act of 1964 and on account of his age in violation of the Age Discrimination in Employment Act of 1967 (ADEA). In affirming the District Court's dismissal of the complaint, the Second Circuit relied on its settled precedent requiring an employment discrimination complaint to allege facts constituting a prima facie case of discrimination under the framework set forth in [McDonnell Douglas Corp. v. Green](#), 411 U.S. 792, 802, 93 S.Ct. 1817, 36 L.Ed.2d 668. The court held that petitioner had failed to meet his burden because his allegations were insufficient as a matter of law to raise an inference of discrimination.

*Held:* An employment discrimination complaint need not contain specific facts establishing a prima facie case under the [McDonnell Douglas](#) framework, but instead must contain only “a short and plain statement of the claim showing that the pleader is entitled to relief,” [Fed. Rule Civ. Proc. 8\(a\)\(2\)](#). The [McDonnell Douglas](#) framework—which requires the plaintiff to show (1) membership in a protected group, (2) qualification for the job in question, (3) an adverse employment action, and (4) circumstances supporting an inference of discrimination—is an evidentiary standard, not a pleading requirement. See, e.g., [411 U.S., at 800](#), 93 S.Ct. 1817. The Court has never indicated that the requirements for establishing a prima facie case apply to pleading. Moreover, the [McDonnell Douglas](#) framework does not apply where, for example, a plaintiff is able to produce direct evidence of discrimination. See [Trans World Airlines, Inc. v. Thurston](#), 469 U.S. 111, 121, 105 S.Ct. 613, 83 L.Ed.2d 523. Under the Second Circuit's heightened pleading standard, however, a plaintiff without direct evidence at the time of his complaint must plead a prima facie case of discrimination even though discovery might uncover such direct evidence. It seems incongruous to require a plaintiff, in **\*\*995** order to survive a motion to dismiss, to plead more facts than he may ultimately need to prove to succeed on the merits if direct evidence of discrimination is discovered. Moreover, the precise requirements of the prima facie case can vary with the context and were “never intended to be rigid, mechanized, or ritualistic.” [\\*507 Furnco Constr. Corp. v. Waters](#), 438 U.S. 567, 577, 98 S.Ct. 2943, 57 L.Ed.2d 957. It may be difficult to define the precise formulation of the required prima facie case in a particular case before discovery has unearthed relevant facts

and evidence. Consequently, the prima facie case should not be transposed into a rigid pleading standard for discrimination cases. Imposing the Second Circuit's heightened standard conflicts with Rule 8(a)'s express language, which requires simply that the complaint "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests."  [Conley v. Gibson](#), 355 U.S. 41, 47, 78 S.Ct. 99, 2 L.Ed.2d 80. A court may dismiss a complaint only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations.  [Hishon v. King & Spalding](#), 467 U.S. 69, 73, 104 S.Ct. 2229, 81 L.Ed.2d 59. Petitioner's complaint easily satisfies Rule 8(a)'s requirements because it gives respondent fair notice of the basis for his claims and the grounds upon which they rest. In addition, it states claims upon which relief could be granted under Title VII and the ADEA. Thus, the complaint is sufficient to survive respondent's motion to dismiss. Pp. 996–999.

 5 Fed.Appx. 63, reversed and remanded.

THOMAS, J., delivered the opinion for a unanimous Court.

### Attorneys and Law Firms


[Harold I. Goodman](#), Philadelphia, PA, for petitioner.

Jeffrey P. Minear, Washington, DC, for United States as amicus curiae, by special leave of the Court, supporting the petitioner.

[Lauren R. Brody](#), New York City, for respondent.

### Opinion


\*508 Justice THOMAS delivered the opinion of the Court.

This case presents the question whether a complaint in an employment discrimination lawsuit must contain specific facts establishing a prima facie case of discrimination under the framework set forth by this Court in  [McDonnell Douglas Corp. v. Green](#), 411 U.S. 792, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973). We hold that an employment discrimination complaint need not include such facts and instead must contain only "a short and plain statement of the claim showing that the pleader is entitled to relief." [Fed. Rule Civ. Proc. 8\(a\)\(2\)](#).

### I

[1] Petitioner Akos [Swierkiewicz](#) is a native of Hungary, who at the time of his complaint was 53 years old.<sup>1</sup> In April 1989, petitioner began working for respondent [Sorema](#) N. A., a reinsurance company headquartered in New York and principally owned and controlled by a French parent corporation. Petitioner was initially employed in the position of senior vice president and chief underwriting officer (CUO). Nearly six years later, François M. Chavel, respondent's Chief Executive Officer, demoted petitioner to a marketing and services position and transferred the bulk of his underwriting responsibilities to Nicholas Papadopoulo, a 32-year-old who, \*\*996 like Mr. Chavel, is a French national. About a year later, Mr. Chavel stated that he wanted to "energize" the underwriting department and appointed Mr. Papadopoulo as CUO. Petitioner claims that Mr. Papadopoulo had only one year of underwriting experience at the time he was promoted, and therefore was less experienced and less qualified to be CUO than he, since at that point he had 26 years of experience in the insurance industry.

\*509 Following his demotion, petitioner contends that he "was isolated by Mr. Chavel ... excluded from business decisions and meetings and denied the opportunity to reach his true potential at [SOREMA](#)." App. 26. Petitioner unsuccessfully attempted to meet with Mr. Chavel to discuss his discontent. Finally, in April 1997, petitioner sent a memo to Mr. Chavel outlining his grievances and requesting a severance package. Two weeks later, respondent's general counsel presented petitioner with two options: He could either resign without a severance package or be dismissed. Mr. Chavel fired petitioner after he refused to resign.

Petitioner filed a lawsuit alleging that he had been terminated on account of his national origin in violation of Title VII of the Civil Rights Act of 1964, 78 Stat. 253, as amended,  42 U.S.C. § 2000e et seq. (1994 ed. and Supp. V), and on account of his age in violation of the Age Discrimination in Employment Act of 1967 (ADEA), 81 Stat. 602, as amended, 29 U.S.C. § 621 et seq. (1994 ed. and Supp. V). App. 28. The United States District Court for the Southern District of New York dismissed petitioner's complaint because it found that he "ha[d] not adequately alleged a prima facie case, in that he ha[d] not adequately alleged circumstances that support an inference of discrimination." *Id.*, at 42. The United States Court of Appeals for the Second Circuit affirmed the

dismissal, relying on its settled precedent, which requires a plaintiff in an employment discrimination complaint to allege facts constituting a prima facie case of discrimination under the framework set forth by this Court in [McDonnell Douglas, supra](#), at 802, 93 S.Ct. 1817. See, e.g., [Tarshis v. Riese Organization](#), 211 F.3d 30, 35–36, 38 (C.A.2 2000); [Austin v. Ford Models, Inc.](#), 149 F.3d 148, 152–153 (C.A.2 1998). The Court of Appeals held that petitioner had failed to meet his burden because his allegations were “insufficient as a matter of law to raise an inference of discrimination.” [5 Fed.Appx. 63, 65 \(C.A.2 2001\)](#). We granted certiorari, [533 U.S. 976, 122 S.Ct. 23, 150 L.Ed.2d 805 \(2001\)](#), to resolve a split among the Courts [\\*510](#) of Appeals concerning the proper pleading standard for employment discrimination cases,<sup>2</sup> and now reverse.

## II





[2] Applying Circuit precedent, the Court of Appeals required petitioner to plead a prima facie case of discrimination in order to survive respondent's motion to dismiss. See [5 Fed.Appx.](#), at 64–65. In the Court of Appeals' view, petitioner was thus required to allege in his complaint: (1) membership in a protected group; (2) qualification for the job in question; (3) an adverse employment action; and (4) circumstances that support an inference of discrimination. [Ibid.](#); cf. [McDonnell Douglas](#), 411 U.S., at 802, 93 S.Ct. 1817; [Texas Dept. of Community Affairs v. Burdine](#), 450 U.S. 248, 253–254, n. 6, 101 S.Ct. 1089, 67 L.Ed.2d 207 (1981).




**\*\*997** [3] The prima facie case under [McDonnell Douglas](#), however, is an evidentiary standard, not a pleading requirement. In [McDonnell Douglas](#), this Court made clear that “[t]he critical issue before us concern[ed] the order and allocation of proof in a private, non-class action challenging employment discrimination.” [411 U.S.](#), at 800, 93 S.Ct. 1817 (emphasis added). In subsequent cases, this Court has reiterated that the prima facie case relates to the employee's burden of presenting evidence that raises an inference of discrimination. See [Burdine, supra](#), at 252–253 (“In [[McDonnell Douglas](#),] we set forth the basic allocation of burdens and order of presentation of




proof in a Title VII case alleging discriminatory treatment. First, the plaintiff has the burden of proving by the preponderance of the evidence a prima facie case of [\\*511](#) discrimination” (footnotes omitted); [450 U.S.](#), at 255, n. 8, 101 S.Ct. 1089 (“This evidentiary relationship between the presumption created by a prima facie case and the consequential burden of production placed on the defendant is a traditional feature of the common law”).



[4] This Court has never indicated that the requirements for establishing a prima facie case under [McDonnell Douglas](#) also apply to the pleading standard that plaintiffs must satisfy in order to survive a motion to dismiss. For instance, we have rejected the argument that a Title VII complaint requires greater “particularity,” because this would “too narrowly constrict the role of the pleadings.” [McDonald v. Santa Fe Trail Transp. Co.](#), 427 U.S. 273, 283, n. 11, 96 S.Ct. 2574, 49 L.Ed.2d 493 (1976). Consequently, the ordinary rules for assessing the sufficiency of a complaint apply. See, e.g., [Scheuer v. Rhodes](#), 416 U.S. 232, 236, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974) (“When a federal court reviews the sufficiency of a complaint, before the reception of any evidence either by affidavit or admissions, its task is necessarily a limited one. The issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims”).

[5] In addition, under a notice pleading system, it is not appropriate to require a plaintiff to plead facts establishing a prima facie case because the [McDonnell Douglas](#) framework does not apply in every employment discrimination case. For instance, if a plaintiff is able to produce direct evidence of discrimination, he may prevail without proving all the elements of a prima facie case. See [Trans World Airlines, Inc. v. Thurston](#), 469 U.S. 111, 121, 105 S.Ct. 613, 83 L.Ed.2d 523 (1985) (“[T]he [McDonnell Douglas](#) test is inapplicable where the plaintiff presents direct evidence of discrimination”). Under the Second Circuit's heightened pleading standard, a plaintiff without direct evidence of discrimination at the time of his complaint must plead a prima facie case of discrimination, even though discovery might uncover such direct evidence. It thus seems incongruous to require a plaintiff, in order to [\\*512](#) survive a motion to dismiss, to plead more facts than he may ultimately need to prove to succeed on the merits if direct evidence of discrimination is discovered.

[6] Moreover, the precise requirements of a prima facie case can vary depending on the context and were “never intended to be rigid, mechanized, or ritualistic.”  *Furnco Constr. Corp. v. Waters*, 438 U.S. 567, 577, 98 S.Ct. 2943, 57 L.Ed.2d 957 (1978); see also  *McDonnell Douglas, supra*, at 802, n. 13, 93 S.Ct. 1817 (“[T]he specification ... of the prima facie proof required from respondent is not necessarily applicable in every respect to differing factual situations”);  *Teamsters v. United States*, 431 U.S. 324, 358, 97 S.Ct. 1843, 52 L.Ed.2d 396 (1977) (noting that this Court “did not purport to create an inflexible formulation” for a prima facie case);  *Ring v. First Interstate Mortgage, Inc.*, 984 F.2d 924, 927 (C.A.8 1993) (“[T]o measure a plaintiff’s complaint against a particular formulation of the prima facie case at the pleading stage is inappropriate”). Before **\*\*998** discovery has unearthed relevant facts and evidence, it may be difficult to define the precise formulation of the required prima facie case in a particular case. Given that the prima facie case operates as a flexible evidentiary standard, it should not be transposed into a rigid pleading standard for discrimination cases.

[7] [8] Furthermore, imposing the Court of Appeals’ heightened pleading standard in employment discrimination cases conflicts with [Federal Rule of Civil Procedure 8\(a\)\(2\)](#), which provides that a complaint must include only “a short and plain statement of the claim showing that the pleader is entitled to relief.” Such a statement must simply “give the defendant fair notice of what the plaintiff’s claim is and the grounds upon which it rests.”  *Conley v. Gibson*, 355 U.S. 41, 47, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957). This simplified notice pleading standard relies on liberal discovery rules and summary judgment motions to define disputed facts and issues and to dispose of unmeritorious claims. See  *id.*, at 47–48, 78 S.Ct. 99;  *Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U.S. 163, 168–169, 113 S.Ct. 1160, 122 L.Ed.2d 517 (1993). “The provisions for discovery **\*\*513** are so flexible and the provisions for pretrial procedure and summary judgment so effective, that attempted surprise in federal practice is aborted very easily, synthetic issues detected, and the gravamen of the dispute brought frankly into the open for the inspection of the court.” 5 C. Wright & A. Miller, *Federal Practice and Procedure* § 1202, p. 76 (2d ed. 1990).

[9] [10] [Rule 8\(a\)](#)’s simplified pleading standard applies to all civil actions, with limited exceptions. [Rule 9\(b\)](#), for example, provides for greater particularity in all averments of fraud or mistake.<sup>3</sup> This Court, however, has declined to extend such exceptions to other contexts. In  *Leatherman* we stated: “[T]he Federal Rules do address in [Rule 9\(b\)](#) the question of the need for greater particularity in pleading certain actions, but do not include among the enumerated actions any reference to complaints alleging municipal liability under §1983. *Expressio unius est exclusio alterius.*”  507 U.S., at 168, 113 S.Ct. 1160. Just as [Rule 9\(b\)](#) makes no mention of municipal liability under Rev. Stat. § 1979,  42 U.S.C. § 1983 (1994 ed., Supp. V), neither does it refer to employment discrimination. Thus, complaints in these cases, as in most others, must satisfy only the simple requirements of [Rule 8\(a\)](#).<sup>4</sup>

[11] [12] Other provisions of the Federal Rules of Civil Procedure are inextricably linked to [Rule 8\(a\)](#)’s simplified notice pleading standard. [Rule 8\(e\)\(1\)](#) states that “[n]o technical forms of pleading or motions are required,” and [Rule 8\(f\)](#) provides **\*\*514** that “[a]ll pleadings shall be so construed as to do substantial justice.” Given the Federal Rules’ simplified standard for pleading, “[a] court may dismiss a complaint only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations.”  *Hishon v. King & Spalding*, 467 U.S. 69, 73, 104 S.Ct. 2229, 81 L.Ed.2d 59 (1984). If a pleading fails to specify the allegations in a manner that provides sufficient notice, a defendant can move for a more definite statement under [Rule 12\(e\)](#) before responding. Moreover, claims lacking merit may be dealt with through summary **\*\*999** judgment under [Rule 56](#). The liberal notice pleading of [Rule 8\(a\)](#) is the starting point of a simplified pleading system, which was adopted to focus litigation on the merits of a claim. See  *Conley, supra*, at 48, 78 S.Ct. 99 (“The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits”).

[13] Applying the relevant standard, petitioner’s complaint easily satisfies the requirements of [Rule 8\(a\)](#) because it gives respondent fair notice of the basis for petitioner’s claims. Petitioner alleged that he had been terminated on account of his national origin in violation of Title VII and on account of his age in violation of the ADEA. App. 28. His complaint

detailed the events leading to his termination, provided relevant dates, and included the ages and nationalities of at least some of the relevant persons involved with his termination. *Id.*, at 24–28. These allegations give respondent fair notice of what petitioner's claims are and the grounds upon which they rest. See [Conley, supra](#), at 47, 78 S.Ct. 99. In addition, they state claims upon which relief could be granted under Title VII and the ADEA.

[14] Respondent argues that allowing lawsuits based on conclusory allegations of discrimination to go forward will burden the courts and encourage disgruntled employees to bring unsubstantiated suits. Brief for Respondent 34–40. Whatever **\*515** the practical merits of this argument, the Federal Rules do not contain a heightened pleading standard for employment discrimination suits. A requirement of greater specificity for particular claims is a result that “must be obtained by the process of amending the Federal Rules, and not by judicial interpretation.” [Leatherman, supra](#), at 168, 113 S.Ct. 1160. Furthermore, [Rule 8\(a\)](#) establishes a pleading standard without regard to whether a claim will succeed on

the merits. “Indeed it may appear on the face of the pleadings that a recovery is very remote and unlikely but that is not the test.” [Scheuer](#), 416 U.S., at 236, 94 S.Ct. 1683.

For the foregoing reasons, we hold that an employment discrimination plaintiff need not plead a prima facie case of discrimination and that petitioner's complaint is sufficient to survive respondent's motion to dismiss. Accordingly, the judgment of the Court of Appeals is reversed, and the case is remanded for further proceedings consistent with this opinion.

*It is so ordered.*

#### All Citations

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#### Footnotes

- \* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See [United States v. Detroit Timber & Lumber Co.](#), 200 U.S. 321, 337, 26 S.Ct. 282, 50 L.Ed. 499.
- 1 Because we review here a decision granting respondent's motion to dismiss, we must accept as true all of the factual allegations contained in the complaint. See, e.g., [Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit](#), 507 U.S. 163, 164, 113 S.Ct. 1160, 122 L.Ed.2d 517 (1993).
- 2 The majority of Courts of Appeals have held that a plaintiff need not plead a prima facie case of discrimination under [McDonnell Douglas Corp. v. Green](#), 411 U.S. 792, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973), in order to survive a motion to dismiss. See, e.g., [Sparrow v. United Air Lines, Inc.](#), 216 F.3d 1111, 1114 (C.A.D.C.2000); [Bennett v. Schmidt](#), 153 F.3d 516, 518 (C.A.7 1998); [Ring v. First Interstate Mortgage, Inc.](#), 984 F.2d 924 (C.A.8 1993). Others, however, maintain that a complaint must contain factual allegations that support each element of a prima facie case. In addition to the case below, see [Jackson v. Columbus](#), 194 F.3d 737, 751 (C.A.6 1999).
- 3 “In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred generally.”
- 4 These requirements are exemplified by the Federal Rules of Civil Procedure Forms, which “are sufficient under the rules and are intended to indicate the simplicity and brevity of statement which the rules contemplate.” [Fed. Rule Civ. Proc. 84](#). For example, Form 9 sets forth a complaint for negligence in which plaintiff simply states in relevant part: “On June 1, 1936, in a public highway called Boylston Street in Boston,

Massachusetts, defendant negligently drove a motor vehicle against plaintiff who was then crossing said highway.”

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