

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

MARCILLA NICOLE CULTRERA,)
)
 Plaintiff,)
)
 v.)
)
 THE OKLAHOMA DEPARTMENT OF)
 CORRECTIONS, et al.,)
)
 Defendants.)

Case No. CIV-18-117-RAW

ORDER

Before the court is the motion of defendant Oklahoma Department of Corrections (“ODOC”) to dismiss the amended complaint pursuant to Rule 12(b)(6) F.R.Cv.P. This lawsuit commenced in the District Court for Okmulgee County. The case was removed to this court by defendants on April 17, 2018. Plaintiff filed an amended complaint (#15) on April 30, 2018. The remaining claim brought against DOC is the first cause of action for retaliation is violation of Title VII.* Title VII permits former employees to bring retaliation actions against their former employers. *Benton v. Town of South Fork & Police Dep’t*, 553 Fed.Appx. 772, 781 (10th Cir.2014).

Plaintiff asserts that “[t]he factual allegations in Plaintiff’s Amended Complaint clearly allege that ODOC, through its employee West, retaliated against Plaintiff because of her prior protected activity.” (#29 at 5). For the reasons stated in the companion order denying a similar motion by defendant Okmulgee County Criminal Justice Authority, the

*ODOC was also named in the second cause of action under 42 U.S.C. §1983, but that claim has been dismissed (#30).

court agrees.

It is the order of the court that the motion to dismiss of defendant ODOC (#20) is hereby denied.

IT IS SO ORDERED this 7th day of SEPTEMBER, 2018.

A handwritten signature in cursive script, reading "Ronald A. White", written over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma