

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

ENTERED

May 30, 2019

David J. Bradley, Clerk

Jacqueline Mouton,

Plaintiff,

versus

Houston Independent School District, et al.,

Defendants.

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Civil Action H-18-4516

Opinion on Dismissal

1. *Background.*

Jacqueline Mouton worked as a bus driver for the Houston Independent School District. In January 2018, her bus was hit by a car. Mouton was injured.

Mouton went to several doctors for her injury. On February 1, 2018, she was told that the injury was preexisting and should return to work. She did not return.

HISD mailed Mouton a letter setting a hearing to discuss her absence. Mouton did not appear. HISD fired her for job abandonment.

2. *HISD.*

Mouton has sued HISD for race, color, sex, age, and national origin discrimination, as well as retaliation. Mouton’s complaint to the Equal Employment Opportunity Commission only alleged color discrimination. Her claims for race, sex, age, national origin, and retaliation must be dismissed because Mouton has not exhausted her administrative remedies.

Mouton’s claim for color discrimination must also be dismissed. The only facts to support her claim for color discrimination are that she “worked with a lot of haters, and was miss [sic] treated by a lot of them” because “the dark skin blacks do not like the light skin blacks. They look at me and hate me because I am beautiful.” There coworkers had no authority to fire her, control her work, or other managerial control over Mouton. Their comments resulted in no adverse job action. This is not sufficient to support a color discrimination claim against HISD.

3. *The Others.*

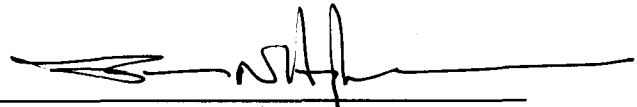
In addition to HISD, Mouton has sued CCMSI, Dr. Leonard Lopez, Dr. Ung, Concentra, Affordable MRI, and Green Imaging.

Mouton's complaint alleges employment discrimination. None of these ever employed Mouton. Neither did they participate in the decision about her job abandonment. They must be dismissed.

4. *Conclusion.*

Because Jacqueline Mouton has not exhausted her administrative remedies, failed to plead facts supporting her color discrimination claim, and sued people for whom she has never worked, her claims must be dismissed.

Signed on May 30, 2019, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lynn N. Hughes", is written over a horizontal line.

Lynn N. Hughes
United States District Judge