

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN FELD,

Plaintiff,

v.

OPINION and ORDER

LOUIS DEJOY, JAMES BROWN, DAWN
WOLOSZYN, CAMI ROTHERMEL, and UNITED
STATES POSTAL SERVICE,

23-cv-641-jdp

Defendants.

I allowed plaintiff Steven Feld, without counsel, to proceed on disability discrimination claims under the Rehabilitation Act for damages and injunctive relief against defendants United States Postal Service (USPS), Louis Dejoy, James Brown, Dawn Woloszyn, and Cami Rothermel. Dkt. 13. The USPS, Brown, Woloszyn, and Rothermel have moved to dismiss, contending that only the United States Postmaster General (Dejoy) is a proper defendant in a disability discrimination lawsuit against the USPS. Dkt. 22. The Seventh Circuit has held that “the exclusive remedy for a claim that a federal agency discriminated against a [disabled] employee . . . is a suit against the agency’s head,” here the Postmaster General. *See McGuinness v. U.S. Postal Serv.*, 744 F.2d 1318, 1322 (7th Cir. 1984); *see also Hamm v. Runyon*, 51 F.3d 721, 722 n.1 (7th Cir. 1995); *Hawkes v. U.S. Postal Serv.*, 979 F.2d 853, at *1 (7th Cir. 1992). Feld responded to the motion to dismiss, Dkt. 28, but his arguments provide no basis to deny the motion. I will grant the motion to dismiss, with the result that this case shall proceed against only defendant Dejoy.

ORDER

IT IS ORDERED that:

1. The motion to dismiss of defendants United States Postal Service, Brown, Woloszyn, and Rothermel, Dkt. 22, is GRANTED.
2. The clerk is directed to remove the United States Postal Service, Brown, Woloszyn, and Rothermel from this case, and to send plaintiff Steven Feld a copy of this order.

Entered May 9, 2024.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge