UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL ANTHONY CHRISTOPER COCHREN II,	)	
Plaintiff,	)	
vs.	)	**Case No. 4:24-cv-01129-JSD**
WHITE CASTLE SYSTEM, INC., *et al.*,	)	
Defendants.	)	

ORDER AND MEMORANDUM ON DEFENDANT WHITE CASTLE SYSTEM, INC.'S MOTION TO DISMISS

This matter is before the Court on Defendant White Castle System, Inc.'s ("White Castle") Motion to Dismiss [ECF No. 23], which is fully briefed and ready for disposition. For the reasons set forth below, White Castle's Motion to Dismiss is granted.

BACKGROUND[1]

Pro se Plaintiff Michael Anthony Christopher Cochren II ("Cochren") filed a Complaint on August 19, 2024 against White Castle, the EEOC, and the EEOC's St. Louis District Office. [ECF No. 1] In his Complaint, Cochren brings claims against White Castle pursuant to Title VII of the Civil Rights Act of 1964. Specifically, Cochren's Complaint states the following: "I believe that I have been subjected to Racial Discrimination and ultimately terminated by White Castle System, Inc., in Retaliation due to my claims to White Castle Team Members Services/HR/Corporate Management in violation of the Civil Rights Act of 1964." [ECF No. 1-1 at 4]

[1] In ruling on a motion to dismiss, the Court must "accept the factual allegations in the complaint as true and draw all reasonable inferences in the nonmovant's favor." *Cook v. George's Inc.*, 952 F.3d 935, 938 (8th Cir. 2020) (citing *Blankenship v. USA Truck, Inc.*, 601 F.3d 852, 853 (8th Cir. 2010)).

On October 16, 2024, White Castle filed a Motion to Dismiss [ECF No. 23] and a Memorandum in Support [ECF No. 24], arguing that this Court should dismiss Cochren's claims against White Castle for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6).

On November 8, 2024, Cochren filed his Motion to Strike Defendant White Castle's Motion and Suggestions to Dismiss Plaintiff's Complaint ("Motion to Strike"), arguing that White Castle's Motion to Dismiss was untimely and therefore "shouldn't be accepted." [ECF No. 35 at 1]

LEGAL STANDARD

Federal Rule of Civil Procedure 8(a)(2) requires a pleading to contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Rule 12(b)(6) mandates dismissal for "failure to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). To survive a motion to dismiss under Rule 12(b)(6), a complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678, (2009) (quoting *Bell Atlantic Corp., v. Twombly,* 550 U.S. 544, 570 (2007)). "Factual allegations must be enough to raise a right to relief above the speculative level[.]" *Twombly*, 550 U.S. at 555. A "formulaic recitation of the elements of a cause of action" will not suffice. *Id.* at 545. "The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." *Iqbal,* 556 U.S. at 678 (quoting *Twombly,* 550 U.S. at 556).

When ruling on a motion to dismiss, a court "must liberally construe a complaint in favor of the plaintiff . . . [but] give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." *Huggins v. FedEx Ground Package Sys., Inc.*, 592 F.3d 853, 862

(8th Cir. 2010) (quotation omitted). A court must grant all reasonable inferences in favor of the nonmoving party. *Lustgraaf v. Behrens*, 619 F.3d 867, 872-73 (8th Cir. 2010). "Threadbare recitals of a cause of action, supported by mere conclusory statements," do not suffice. *Iqbal*, 556 U.S. at 678; *Twombly*, 550 U.S. at 555. Although courts must accept all factual allegations as true, they "are not bound to accept as true a legal conclusion couched as a factual allegation." *Twombly*, 550 U.S. at 555 (internal quotations and citation omitted); *see also Iqbal*, 556 U.S. at 677-78.

"A *pro se* complaint must be liberally construed . . . and *pro se* litigants are held to a lesser pleading standard than other parties." *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 849 (8th Cir. 2014) (internal citation and quotation omitted). "When we say that a pro se complaint should be given liberal construction, we mean that if the essence of an allegation is discernible . . . then the district court should construe the complaint in a way that permits the layperson's claim to be considered within the proper legal framework." *Stone v. Harry*, 364 F.3d 912, 915 (8th Cir. 2004). "However, even *pro se* complaints must allege facts that, if true, state a claim for relief . . . Federal courts are required neither to assume facts that are not alleged . . . nor to interpret procedural rules to excuse the mistakes of unrepresented litigants." *Williams v. IRS*, No. 4:22-CV-00556-SEP, 2022 WL 3153734, at *1 (E.D. Mo. Aug. 8, 2022) (internal citations omitted).

DISCUSSION

I. Cochren's Complaint Fails to State a Claim Under Title VII.

Cochren's Complaint brings claims against White Castle under Title VII of the Civil Rights Act of 1964 based upon theories of retaliation and race discrimination. First, White Castle

argues that this Court should dismiss Cochren's retaliation claim "because he failed to allege sufficient facts establishing that he engaged in a protected activity or that his termination is causally linked to any protected activity." [ECF No. 24 at 5]. Secondly, White Castle argues that this Court should dismiss Cochren's discrimination claim "because he failed to allege sufficient facts establishing that he met White Castle's legitimate expectations or that the circumstances of his termination permit an inference of discrimination." *Id.* This Court agrees and, for the reasons outlined below, dismisses Cochren's retaliation and discrimination claims against White Castle under Title VII.

A. Retaliation under Title VII

To establish a prima facie case of retaliation under Title VII, Cochren must show (1) he engaged in protected conduct, (2) he suffered a materially adverse employment act, and (3) the adverse act was causally linked to the protected conduct. *See Bunch v. Univ. of Arkansas Bd. of Trustees,* 863 F.3d 1062, 1069 (8th Cir. 2017). "Conduct is not actionable under Title VII if no reasonable person could have believed the incident violated Title VII's standard." *Barker v. Mo. Dep't of Corr.*, 513 F.3d 831, 835 (8th Cir. 2008). White Castle does not dispute that Cochren experienced an adverse employment action. As such, this Court will analyze whether Cochren has adequately pled participation in protected conduct and that the adverse employment act was causally linked to the protected conduct.

a. Protected Conduct

In this context, "'[p]rotected activity' . . . includes opposition to employment practices prohibited under Title VII; however, a plaintiff employee need not establish that the conduct he opposed was in fact prohibited under Title VII; rather he need only demonstrate that he had a 'good faith, reasonable belief that the underlying challenged conduct violated [Title VII].'"

Jackson v. Am. Water, No. 4:16-CV-1617 RLW, 2017 WL 1497907, at *2 (E.D. Mo. Apr. 24, 2017) (quoting *Buettner v. Arch Coal Sales Co.,* 216 F.3d 707, 714 (8th Cir. 2000)). An unlawful employment practice under Title VII includes:

> (1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;
> (2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or
> (3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

42 U.S.C. § 2000e-2(c)(1)-(3).; *See Holschen v. Int'l Union of Painters & Allied Trades/Painters Dist. Council #2*, No. 4:07-CV-1455JCH, 2007 WL 3232224, at *1–2 (E.D. Mo. Oct. 30, 2007).

In his Complaint, Cochren appears to assert that White Castle terminated his employment because he reported "[h]arassment, [l]abor [t]heft, [a]pplication [c]ontradictions, [u]nsafe [w]ork [e]nvironment, [n]epotism, [and] [u]nsafe [f]ood" to human resources. [ECF No. 1 at 5] However, Cochren alleges no facts that demonstrate that his workplace issues are related to discrimination based upon his "race, color, religion, sex, or national origin" as prohibited by Title VII. 42 U.S.C. § 2000c-1(3). Nor does Cochren demonstrate a good faith, reasonable belief that the underlying challenged conduct violated Title VII. As such, he fails to plead adequate facts to demonstrate that he participated in protected conduct.

b. Causal Link Between Protected Conduct and Adverse Action

Even if Cochren had adequately pled that he engaged in protected conduct, this Court would still find that he has failed to demonstrate a causal link between the protected conduct and

his termination by White Castle. As stated above, Cochren states that, prior to his termination he reported workplace issues, "[h]arassment, [l]abor [t]heft, [a]pplication [c]ontradictions, [u]nsafe [w]ork [e]nvironment, [n]epotism, [and] [u]nsafe [f]ood." [ECF No. 1 at 5] Cochren then states that he was terminated based upon insubordination, hostility, hostile language with the HR department, and violating company policy. [*See* ECF No. 1-1, at 3-4] Cochren has not demonstrated a link between his allegedly protected conduct and his termination other than mere timing. However, "[g]enerally, more than a temporal connection between the protected conduct and the adverse employment action is required to present a genuine factual issue on retaliation." *Kiel v. Select Artificials, Inc.,* 169 F.3d 1131, 1136 (8th Cir. 1999). As such, Cochren has failed to sufficiently plead the necessary elements to demonstrate retaliation and his retaliation complaints against White Castle are dismissed.

B. Race Discrimination Under Title VII

Title VII prohibits "employer discrimination on the basis of race, color, religion, sex, or national origin, in hiring, firing, salary structure, promotion and the like." *Winfrey v. City of Forrest City, Ark.*, 882 F.3d 757, 758 (8th Cir. 2018). "An employment discrimination complaint does not need to contain specific facts establishing a prima facie case[.]" *See Swierkiewicz v. Sorema*, 534 U.S. 506, 510-12 (2002). However, "[t]he elements of a prima facie case are nevertheless relevant to a plausibility determination." *Stokes v. Complete Mobile Dentistry*, No. 4:21-CV-1252 RLW, 2023 WL 2474511, at *2 (E.D. Mo. Mar. 13, 2023) (citing *Rodriguez-Reyes v. Molina-Rodriguez*, 711 F.3d 49, 54 (1st Cir. 2013); *Khalik v. United Air Lines*, 671 F.3d 1188, 1191 (10th Cir. 2012)).

To establish a prima facie case of employment discrimination under Title VII, a plaintiff must show that he or she "(1) is a member of a protected group; (2) was meeting the legitimate

expectations of the employer; (3) suffered an adverse employment action; and (4) [suffered] under circumstances permitting an inference of discrimination." *Davis v. Jefferson Hosp. Ass'n*, 685 F.3d 675, 681 (8th Cir. 2012) (citing *Maxfield v. Cintas Corp. No. 2*, 427 F.3d 544, 550 (8th Cir.2005)). For the reasons outlined below, Cochren does not allege a plausible claim of race discrimination.

a. Employers Legitimate Expectations

Cochren's Complaint does not contain any facts demonstrating that he met White Castle's legitimate expectations. Indeed, Cochren states that White Castle terminated him based upon insubordination, hostility, hostile language with the HR department, and violating company policy, which indicates that he did not meet his employer's legitimate expectations. [*See* ECF No. 1 at 5, ECF No. 1-1, at 3-4]. Thus, Cochren's own pleadings belie any claim that he was meeting his employer's legitimate expectations and therefore he fails to state a prima facie case of race discrimination.

b. Circumstances Permitting an Inference of Discrimination

Cochren's Complaint provides numerous details as to the circumstances surrounding his termination but none of them plausibly permit an inference of discrimination. While Cochren makes one allegation of race discrimination ("I believe that I have been subjected to Racial Discrimination and ultimately terminated…in retaliation due to my complaints to White Castle…."), this Court is not bound to accept conclusions as fact. ECF No. 1-1, at 4; *see also Glick v. W. Power Sports, Inc*., 944 F.3d 714, 717 (8th Cir. 2019) ("[W]e need not accept as true a plaintiff's conclusory allegations or legal conclusions drawn from the facts.").

II. Cochren's Motion to Strike

This Court has already denied Cochren's argument that White Castle's response to his Complaint was untimely. [*See* ECF Nos. 42, 58]. As such, Cochren's Motion to Strike [ECF No. 35] is denied as moot.

CONCLUSION

For the reasons set forth above, this Court dismisses Cochren's claims against White Castle under Federal Rule of Civil Procedure 12(b)(6) for failure to state plausible claims under Title VII.

Accordingly,

IT IS HEREBY ORDERED that the White Castle's Motion to Dismiss [ECF No. 23] is **GRANTED.**

IT IS FURTHER ORDERED that Cochren's Motion to Strike Defendant White Castle's Motion and Suggestions to Dismiss Plaintiff's Complaint [ECF No. 35] is **DENIED** as moot.

IT IS FINALLY ORDERED that Cochren's claims against White Castle are **DISMISSED** with prejudice.

An appropriate Judgment is filed herewith.

JOSEPH S. DUEKER
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of January, 2025.