

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DONALD THOMPSON, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 04-1150 (JR)  
 :  
 D.C. HOUSING FINANCE AGENCY, *et* :  
 *al.*, :  
 :  
 Defendants. :

**MEMORANDUM**

Plaintiff's only federal claim in this case is one of hostile work environment under Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000(e), et seq. A hostile work environment claim must assert that an employee's "workplace" is permeated with "discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment." Oncale v. Sundowner Offshore Servs., Inc., 523 U.S. 75, 78 (1998) (citation omitted). Plaintiff's factual allegations are that once, in front of two witnesses, he was grabbed on the buttocks by defendant Butler (a co-worker, not a supervisor), who said, "I want to fuck you," and, "I want to fuck you and now you know how I feel about you"; that, later on the same morning, Butler asked plaintiff, "What time are you leaving today? I want to come home with you"; and that his employer, defendant D.C. Housing Finance Agency, failed to respond to his complaints about Butler's

behavior.<sup>1</sup> Plaintiff himself filed criminal charges against Butler, and Butler was convicted of misdemeanor sex abuse.

The single incident of which plaintiff complains did not make his workplace a hostile work environment. See, e.g., Stewart v. Evans, 275 F.3d 1126, 1134 (D.C. Cir. 2002) ("Except in extreme circumstances, courts have refused to hold that one incident is so severe to constitute a hostile work environment."); Brooks-Miller v. England, 357 F. Supp. 2d 197, 200-02 (D.D.C. 2004) (six incidents of derogatory and/or abusive comments -- including one overtly racist comment -- by a supervisor insufficient to constitute hostile work environment); Jones v. Potter, 301 F.Supp.2d 1, 9-12 (D.D.C. 2004) (one-time incident of supervisor rubbing his penis against male employee's buttocks not sufficient for hostile work environment).

Plaintiff's federal claims will be dismissed for failure to state a claim upon which relief can be granted. I decline to exercise supplemental jurisdiction over plaintiff's remaining claims, see 28 U.S.C. § 1367(c)(3), and they will be dismissed for lack of jurisdiction.<sup>2</sup>

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<sup>1</sup> Defendant D.C. Housing Finance Agency denies this accusation and asserts that Butler was immediately placed on administrative leave and then terminated. Plaintiff asserts that Butler is still an employee of the D.C. Housing Finance Agency. On a motion to dismiss, I must assume the truth of plaintiff's allegations.

<sup>2</sup> Diversity jurisdiction is not pleaded.

An appropriate order accompanies this Memorandum.

JAMES ROBERTSON  
United States District Judge