

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROLANDO JIMENEZ,

Plaintiff,

v.

**KEVIN McALEENAN, Acting Secretary,
U.S. Department of Homeland Security,¹**

Defendant.

Case No. 17-cv-2731 (CRC)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that [21] Defendant’s Motion for Judgment on the Pleadings or, in the alternative, for Summary Judgment is **GRANTED IN PART**.

The motion is **GRANTED** in full with respect to Counts I, IV, VI, and VIII. Counts IV, VI, and VIII—Plaintiff’s hostile work environment claims based on race, national origin, and age—are **DISMISSED** for failure to exhaust. Count I—Plaintiff’s hostile work environment claim based on prior EEO activity—is **DISMISSED** for failure to state a claim.

The motion is **DENIED** in part with respect to Counts II, III, V, and VIII—Plaintiff’s claims for retaliation based on prior EEO activity, and discrimination based on race, national origin, and age. The motion is **DENIED** to the extent those claims are based on Events 3 through 13 and 17, as those labels are used in the accompanying Memorandum Opinion. The motion is

¹ Acting Secretary Kevin McAleenan is automatically substituted for his predecessor Kirstjen Nielson, who resigned on April 8, 2019. See Fed. R. Civ. P. 25(d).

GRANTED to the extent those claims are based on Events 1, 2, 15, and 16.

SO ORDERED.

CHRISTOPHER R. COOPER
United States District Judge

Date: August 20, 2019