

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

TERRA MARTIN,

Plaintiff,

v.

SADIQ ALI,

Defendant.

Civil Action No. 1:22-cv-03659 (CJN)

DISMISSAL ORDER

Terra Martin, who has proceeded pro se, filed a complaint against Sadiq Ali for racial harassment. *See* Compl., ECF No. 1-1. She sought \$100,000 in damages “for the harassment and abuse [she] had to go through” due to Ali “hating [her] color.” *Id.* In December 2022, Ali removed the suit to federal court. *See* Notice of Removal, ECF No. 1; 28 U.S.C. § 1332(a).

Soon thereafter, Ali moved to dismiss. *See* Mot. to Dismiss, ECF No. 5. Ali argues that even if Martin’s complaint was construed generously as a complaint of employment discrimination under Title VII, she fails to allege facts showing that she was subjected to employment discrimination because of her “color” or to establish a plausible legal basis for her claims. *Id.* For example, Ali contends, Martin fails to allege that she was a member of a protected class—one of the necessary elements for an employment discrimination claim. *Id.* at 3–4. And she fails to allege that she exhausted her administrative remedies before filing this suit. *Id.* at 6.

Martin never responded to the Motion to Dismiss. Because Martin was proceeding pro se, the Court entered an Order instructing Martin to file a response to the Motion to Dismiss on or before January 31, 2023. *See* Fox Order, ECF No. 7. Martin failed to do so, and thus the Court entered another order, requiring her to show cause by February 28, 2023, why this action should not be dismissed. Martin failed to respond by *that* deadline, and thus the Court entered a second show-cause order requiring a response by April 15, 2023. Martin still has yet to respond, and so the Court treats the Motion to Dismiss as conceded.

In addition, as Ali contends, Martin's complaint (even read generously) fails to allege facts sufficient to meet all the elements of an employment discrimination claim. *See* Mot. to Dismiss at 3–4. And her complaint fails to allege that she exhausted her administrative remedies before filing this suit. *Id.* at 6.

For these reasons, it is hereby **ORDERED** that this case is **DISMISSED** without prejudice for failure to prosecute under Local Rule 83.23.

This is a final appealable order.

The Clerk is directed to terminate the case.

DATE: May 2, 2023



CARL J. NICHOLS
United States District Judge