

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted June 12, 2025*

Decided June 13, 2025

BeforeDIANE S. SYKES, *Chief Judge*MICHAEL Y. SCUDDER, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 24-2693

RICHARD A. ETHERIDGE,
*Plaintiff-Appellant,**v.*MIDLAND PAPER COMPANY, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 22 CV 3401

Jeremy C. Daniel,
*Judge.***ORDER**

Richard Etheridge sued Midland Paper Company, Derrick Antonio, and Jim Evans, alleging that they discriminated against him while he worked at Midland Paper. The district judge dismissed Etheridge's amended complaint, concluding that he could

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

not sue individuals under federal employment-discrimination statutes and that he failed to state a claim against Midland Paper. We affirm.

We construe Etheridge's pro se complaint liberally and assume the truth of his allegations, as supplemented by the documents he attached. *See* FED. R. CIV. P. 10(c); *O'Brien v. Village of Lincolnshire*, 955 F.3d 616, 621 (7th Cir. 2020). Etheridge, a 58-year-old white man, was hired by Express Employment Professionals and assigned to work at Midland Paper Company, where he was supervised by Jim Evans. Derrick Antonio, an employee of Midland Paper, harassed Etheridge by calling him "old man" and "white boy" and saying that he "should not be in the work place." Etheridge also was denied "promotional opportunities" because of his age, race, and disability status, and he was ultimately fired because he complained to Evans's manager, who was employed by Express Employment. (Etheridge does not make any specific allegations against Evans in his amended complaint.)

After his firing, Etheridge filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) and the Illinois Department of Human Rights. The EEOC eventually issued him a Notice of Right to Sue letter.

Thereafter, Etheridge sued Midland Paper in federal court, alleging age, disability, and race discrimination and retaliation for engaging in protected activity, in violation of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621–634; the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101; and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e–2000e-17. On the form complaint, Etheridge checked boxes to indicate that he was suing for termination of employment, failure to accommodate his disabilities, and failure to stop harassment against him—though he did not include any narrative of the purportedly unlawful conduct.

The district judge screened Etheridge's complaint under 28 U.S.C. § 1915(e)(2) and dismissed it, concluding that Etheridge's complaint failed to plausibly connect the termination of his employment and other adverse actions with his protected characteristics. The judge provided Etheridge with leave to file an amended complaint. Etheridge did so, this time naming Antonio and Evans as defendants in addition to Midland Paper. The judge accepted the amended complaint and ordered service on the defendants.

Midland Paper and Evans[†] moved to dismiss the amended complaint, asserting that the claims against Antonio and Evans failed because federal employment-discrimination laws do not provide for individual liability, and that the claims against Midland Paper fell short because Etheridge failed to allege an employee-employer relationship between him and the company.

The district judge agreed with the defendants' arguments and granted the motion to dismiss. The judge dismissed the claims against Antonio and Evans with prejudice. He dismissed the claims against Midland Paper without prejudice and gave Etheridge leave to amend his claims against the company within 28 days. If he did not, the judge stated, he would dismiss the case with prejudice. Instead of amending his complaint, Etheridge filed a notice of appeal. Thereafter, the judge entered a final judgment dismissing the case with prejudice.

On appeal, Etheridge generally restates the allegations from his amended complaint and adds some new facts. The defendants suggest that the appeal should be dismissed for failure to comply with Federal Rule of Appellate Procedure 28(a), which requires an appellant to provide "contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies." FED. R. APP. P. 28(a)(8)(A); *see Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001). But we gather that Etheridge challenges the dismissal of his case and believes he stated a claim. We review *de novo* the dismissal of the amended complaint. *O'Brien*, 955 F.3d at 621.

The district judge correctly dismissed the claims against Antonio and Evans. The federal employment-discrimination laws invoked by Etheridge do not provide for individual liability. *See Stanek v. St. Charles Cmty. Unit Sch. Dist.* No. 303, 783 F.3d 634, 644 (7th Cir. 2015) (ADA); *Horwitz v. Bd. of Educ.*, 260 F.3d 602, 610 n.2 (7th Cir. 2001) (ADEA); *Gastineau v. Fleet Mortg. Corp.*, 137 F.3d 490, 494 (7th Cir. 1998) (Title VII).

As to Midland Paper, Etheridge failed to plausibly allege that this company subjected him to any adverse employment actions based on protected conduct or characteristics, in violation of the ADA, the ADEA, and Title VII. To be sure, Etheridge did not need to plead a *prima facie* case of discrimination. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 515 (2002). Rather, he needed to allege only that he and Midland Paper

[†] Antonio was not served with the amended complaint and did not appear before the district judge. Midland Paper represents that it is unaware of any current or former employee with the name "Derrick Antonio."

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had an employment relationship, *see Bronson v. Ann & Robert H. Lurie Children's Hosp.*, 69 F.4th 437, 448 (7th Cir. 2023), and that the company took action against him or interfered with his employment on the basis of a protected status, *see Tamayo v. Blagojevich*, 526 F.3d 1074, 1084 (7th Cir. 2008).

Still, even assuming that Midland Paper was Etheridge's employer, Etheridge did not allege any facts that support a plausible discrimination claim against the company. He alleged that he was harassed by a Midland Paper employee but not that he reported the harassment to a supervisor at Midland Paper or that Midland Paper took any official action against him. Rather, he alleged that he brought his complaints to Evans's manager at Express Employment and that he was discharged as a result. He also pleaded that he was denied promotions, but he did not specify which entity (Midland Paper or Express Employment) was responsible for making promotion decisions, or what positions he applied to and did not receive. Etheridge asserted that he filed a complaint with the human resources department at Midland Paper, but he did not detail the content of his complaint or what, if any, action Midland Paper took in response. This conclusory allegation is insufficient to state a claim against Midland Paper. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

AFFIRMED