

NONPRECEDENTIAL DISPOSITION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 February 24, 2026*

Decided February 24, 2026

BeforeMICHAEL B. BRENNAN, *Chief Judge*THOMAS L. KIRSCH II, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 25-1485

STEPAN SEREDA,
*Plaintiff-Appellant,**v.*NOMAD FREIGHT, INC.,
*Defendant-Appellee.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 24 CV 6664

Lindsay C. Jenkins,
*Judge.***ORDER**

Stepan Sereda sued his former employer, Nomad Freight, Inc., for national origin discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2, as well as violations of the Federal Motor Carrier Safety Regulations, 49 U.S.C. § 31137; 49 C.F.R. § 395.8, the Occupational Safety and Health Act (OSHA), 29 U.S.C. § 651, and the Whistleblower Protection Act, 49 U.S.C. § 31105. The district court

* 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).

dismissed Sereda's complaint because (1) he did not exhaust his administrative remedies on two of his claims and (2) his remaining claims were based on statutes that do not provide for private enforcement. We affirm.

At the pleading stage, we accept as true all well-pleaded allegations in Sereda's operative complaint. *Farhan v. 2715 NMA LLC*, 161 F.4th 475, 478 (7th Cir. 2025). On July 2, 2023, Sereda was involved in an incident while training at Nomad Freight to be a truck driver. During one session, Sereda saw his supervisory instructor commit an "obvious violation"—resetting the truck's "electronic logging device," a technology used in commercial vehicles to record driving time and hours of service. Sereda grew uneasy, suspecting that this conduct violated federal law. While sitting in the running truck in a parking lot, Sereda told the instructor that he was quitting.

Sereda then passed out. He alleges that the instructor had attacked and choked him. During the attack, Sereda's lung collapsed. Somehow, he managed to call 911. He was taken to the hospital, where he underwent five surgeries over the next month.

On April 30, 2024, Sereda filed a charge with the Equal Employment Opportunity Commission, alleging that Nomad Freight discriminated against him based on his national origin—Russian. One month later, the EEOC dismissed his charge as untimely.

Soon thereafter, in June 2024, Sereda sued Nomad Freight in the Eastern District of New York for national origin discrimination, in violation of Title VII of the Civil Rights Act of 1964. *See* 42 U.S.C. § 2000e-2. Two months later, Nomad Freight transferred the case to the Northern District of Illinois.

Nomad Freight did not make an appearance or respond to Sereda's complaint within 20 days of service, so the district court entered a default against it. *See* FED. R. CIV. P. 55(a). Sereda then moved for a default judgment. Days later, Nomad Freight entered an appearance, described the reasons for its delay, and opposed Sereda's motion on grounds that his claims were time-barred under Title VII.

The district court denied Sereda's motion for default judgment. The court explained that it prefers to decide cases on the merits, that Nomad Freight adequately justified its failure to file an appearance, and that Sereda's claims appeared to be untimely. The court then gave Sereda additional time to address whether his case should be dismissed as time-barred.

Sereda then filed a motion to reconsider as well as a “motion to sever claims” — apparently a request to sever his Title VII claim from other claims he hoped to include in a later amended complaint. The court construed the motion to reconsider as a request for additional time to respond, and granted it. But the court denied the motion to sever, expressing skepticism that Sereda could bring claims other than the Title VII claim, and directed him to elaborate upon the other claims or to file an amended complaint.

Sereda then amended his complaint to allege violations of the Federal Motor Carrier Safety Regulations, 49 U.S.C. § 31137; 49 C.F.R. § 395.8, the Occupational Safety and Health Act, 29 U.S.C. § 651, and the Whistleblower Protection Act, 49 U.S.C. § 31105. But he did not reassert a Title VII claim.

The district court granted Nomad Freight’s motion to dismiss. The court first determined that Sereda abandoned his Title VII claim by not including it in his amended complaint, and, regardless, he did not file his charge with the EEOC within the requisite 300 days, and he had not presented any basis for equitable tolling. The court next determined that there was no private right of action under the Federal Motor Carrier Safety Regulations or OSHA. As for the Whistleblower Protection Act claim, the court concluded that Sereda failed to exhaust administrative remedies by not first filing a complaint with the Secretary of Labor within 180 days of the attack, *see* § 31105(b)(1), that no basis existed for equitable tolling, and that Sereda failed to state a claim because he did not allege facts to allow an inference that the attack stemmed from his opposition to any violation of workplace safety rules. And because amendment would be futile, the district court dismissed Sereda’s claims with prejudice.

On appeal, Sereda highlights his medical situation and argues that the district court erred by not applying equitable tolling to his untimely claims. But equitable tolling is an extraordinary remedy, and the burden is on the party seeking its application to demonstrate that it is warranted. *Dent v. Charles Schwab & Co., Inc.*, 121 F.4th 1352, 1353 (7th Cir. 2024). We see no abuse of discretion in the court’s denial of equitable tolling, particularly where Sereda did not show that his month-long hospital stay impeded his ability to timely file an EEOC charge or a complaint with the Secretary of Labor.

Relatedly, Sereda asserts — albeit for the first time — that equitable tolling is warranted based on his language barrier. Sereda, however, waived this argument by not first presenting it to the district court, *see Lewis v. Ind. Wesleyan Univ.*, 36 F.4th 755,

760–61 (7th Cir. 2022), and regardless, we note that his lack of English proficiency did not prevent him from submitting many motions and letters to the court in English.

Sereda next argues that the district court overlooked allegations in his complaint (e.g., allegations that the instructor violated workplace safety rules by resetting the electronic logging device and by assaulting him) that, he believes, sufficiently pleaded an OSHA violation. But as the district court correctly ruled, there is no private right of action under OSHA against an operator of a workplace who violates the statute. *Mason v. Ashland Exploration, Inc.*, 965 F.2d 1421, 1425 (7th Cir. 1992); see *Johnson v. Interstate Mgmt. Co., LLC*, 849 F.3d 1093, 1096–97 (D.C. Cir. 2017).

Sereda next asserts that the district court violated his right to due process by not giving him sufficient time to file objections to the defendants' response to his motion for default judgment. But given the aversion to default judgments, see *Escamilla v. United States*, 62 F.4th 367, 372 (7th Cir. 2023), the court rightly exercised its discretion to find that Nomad Freight had good cause for missing the deadline—namely, its belief that the case had been dismissed by the EEOC and that the attorney whom it contacted to enter an appearance would do so.

Last, Sereda argues that the district court should not have dismissed his claims with prejudice, thus depriving him of an opportunity to amend his complaint once more and correct any remaining deficiencies. But the district court was within its discretion to deem amendment futile, see *Runnion v. Girl Scouts of Greater Chicago & Nw. Ind.*, 786 F.3d 510, 519–20 (7th Cir. 2015), given Sereda's failure to exhaust his administrative remedies on some claims and the unavailability of private enforcement on the others.

We have considered Sereda's other arguments, and none merits discussion.

AFFIRMED