

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EDWARD R. OWENS, III

v.

MARYLAND DEPARTMENT OF
HUMAN RESOURCES, ET AL.

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* Civil No. JFM-09-216
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MEMORANDUM

Edward R. Owens, III, has instituted this pro se action against his former employer, the Maryland Department of Human Resources. Defendants have filed a motion to dismiss or for summary judgment to which plaintiff has responded. The motion will be treated as one to dismiss and, as such, will be granted.

No useful purpose would be served by stating the facts. The case claims are not cognizable because of certain well established legal principles, all of which may be briefly stated.

First, the individual defendants are not “employers” within the meaning of the Americans With Disabilities Act, Title VII of the Civil Rights Act of 1964, or the Rehabilitation Act of 1973.

Second, plaintiff cannot maintain a claim for discrimination in employment under Title I of the ADA because defendant is an agency of the State of Maryland and the Supreme Court has specifically held that private individuals may not sue for monetary damages for employment discrimination under Title I of the ADA. *Board of Trustess of University of Alabama v. Garrett*, 531 U.S. 356 (2001).

Third, plaintiff has alleged no facts demonstrating that he is “disabled” within the

meaning of the ADA or the Rehabilitation Act.

Fourth, plaintiff has alleged no facts suggesting that he was subjected to retaliation because of his pursuit of a remedy under laws prohibiting employment discrimination.

Fifth, plaintiff has alleged no facts demonstrating that he was discriminated against in violation of Title VII because of his race, color, or sex.

Sixth, plaintiff has not alleged any facts demonstrating that he had a property interest in his continued employment by defendant. Rather, it appears clear that plaintiff was an at-will employee whose rights were fully protected under the Maryland State Personnel Management System.

Finally, plaintiff has not demonstrated any facts indicating that his “good name, reputation, honor, or integrity” were compromised by virtue of the termination of his employment. Thus, he has not stated facts sufficient to demonstrate that he has a “liberty interest” within the meaning of the due process clause of the U.S. Constitution that was violated by the termination of his employment. *See Sciolino v. City of Newport News*, 480 F.3d 642, 646 (4th Cir. 2007).

A separate order effecting the ruling made in this memorandum is being entered herewith.

Date: June 30, 2009

/s/
J. Frederick Motz
United States District Judge

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ORDER

For the reasons stated in the accompanying memorandum, it is, this 30th day of June
2009

ORDERED

1. Defendants' motion to dismiss or for summary judgment is treated as one to dismiss,
and, as such, is granted; and
2. This action is dismissed.

/s/
J. Frederick Motz
United States District Judge