

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT

OCT 23 2015

CLERK B.W.F.  
SOUTHERN DISTRICT OF GEORGIA

JAMEKA K. EVANS,

Plaintiff,

CV 415-103

v.

Case No. CV145-103

GEORGIA REGIONAL HOSPITAL,

*Et, al.,*

Defendants

**OBJECTION TO MAGISTRATE’S RECOMMENDATION AND REPORT**

Objection 1: Claims of gender non conformity/ stereotyping and sexual orientation are protected under Title VII

As determined in cases such as *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) where the court held that, “As for the legal relevance of sex stereotyping, we are beyond the day when an employer could evaluate employees by assuming or insisting that they matched the stereotype associated with their group.” *Id.* at 251. and in *Terveer v. Billington*, 2014 WL 1280301 (D.D.C. Mar. 31, 2014), where the U.S. District Court for the District of Columbia held that allegations made by the plaintiff that discrimination occurred because of the “plaintiff’s status as a homosexual” suggested that the discrimination was based on gender stereotypes, which stated a Title VII sex- discrimination claim. *Id.* at \*9. These cases show that gender stereotyping as well as sexual orientation discrimination claims state sex – based discrimination, which falls under the protection of Title VII.

Objection 2: The option to amend should be allowed

“In that Evans plead no actionable claim, nor seems likely to, her case should be DISMISSED WITH PREJUDICE with no ‘second chance’ amendment option” Report at 12.

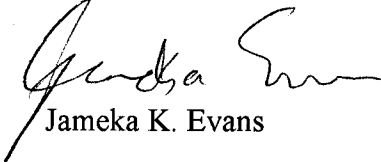
As a pro- se litigant, I should be allowed at least one opportunity to be granted leave to amend my complaint as new supplemental evidence has arisen that affirm the consistency of the claims

alleged in my complaint with the claims investigated in the EEOC charge, satisfying the administrative consistency doctrine. *Langlois v. Traveler's Ins. Co.*, 401 F. App'x 425 (11th Cir. 2010), states that "where a more carefully drafted complaint might state a claim, a plaintiff must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice." Within the original complaint, plaintiff did request the right to amend as the details of the EEOC investigation would have been and were received after the initial deadline to file this claim.

#### Conclusion

The court should reject the magistrate's recommendation and report, granting plaintiff the right to proceed.

Respectfully submitted on this day, the 23<sup>rd</sup> of October, 2015



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**CERTIFICATE OF SERVICE**

This is to certify that on 10/23, 2015, a copy of this Objection was sent via U.S. Postal Service to the respondents listed below:

Clerk of Court

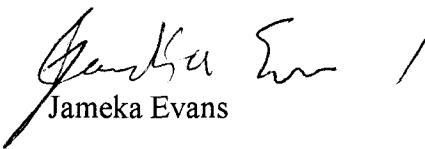
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