

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 13-00476-CB-M
)	
CATASTROPHE MANAGEMENT)	
SOLUTIONS,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the EEOC’s motion for leave to amend the complaint and supporting briefs (Docs. 21, 22 & 26) and on Catastrophe Management Systems’ (CMS) response in opposition (Doc. 23). For reasons discussed below, the Court finds that amendment would be futile.

Upon motion CMS’s motion, the Court dismissed the EEOC’s original complaint for failure to state a plausible claim for relief. Simply put, the original complaint alleged that CMS’s grooming policy prohibiting dreadlocks was an unlawful, racially discriminatory employment practice and that CMS intentionally discriminated against a job applicant, Chastity Jones, on the basis of her race because by rescinding its offer to hire her when she refused to cut off her dreadlocks. CMS moved to dismiss the complaint, arguing that a company grooming policy based on a mutable characteristic, such as hairstyle, is not racially discriminatory. The EEOC disagreed and set out numerous factual and legal arguments in support of its theory that a policy prohibiting dreadlocks amounts to

intentional racial discrimination. In the order granting the motion to dismiss, this Court addressed each of the EEOC's legal and factual arguments and concluded that "Title VII prohibits discrimination on the basis of immutable characteristics, such as race, sex, color, or national origin" but does not afford protection based on a hairstyle, such as dreadlocks. (Order p. 8, Doc. 19.)

Leave to amend the complaint may be denied when amendment would be futile, i.e., "when the complaint as amended is still subject dismissal." *Hall v. United Ins. Co. of America*, 367 F.3d 1255, 1263 (11th Cir. 2004) (quoting *Burger King Corp. v. Weaver*, 169 F.3d 1310, 1320 (11th Cir. 1999)(citation omitted)). The EEOC's proposed amended complaint offers nothing new. It merely sets out in detail the factual and legal assertions upon which it relied in its opposition to the motion to dismiss. Amending the complaint to add these previously rejected arguments would not change the outcome. Consequently, the motion for leave to amend is **DENIED**.

DONE and **ORDERED** this the 2nd day of June, 2014.

s/Charles R. Butler, Jr.

Senior United States District Judge