NONPRECEDENTIAL DISPOSITION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 November 7, 2025*
Decided November 7, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 25-1338

EZEQUIEL RIVERA,
Plaintiff-Appellant,

v.

NESTLÉ USA, INC.,
Defendant-Appellee.

Appeal from the United States District Court for the Eastern District of Wisconsin.

No. 23-C-1431

William C. Griesbach,
Judge.

O R D E R

Ezequiel Rivera was fired from his job at a factory owned by Nestlé USA, Inc., after an altercation with a coworker. Believing that Nestlé discriminated against him because of his national origin, Rivera sued Nestlé for violating Title VII of the Civil

* 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).

Rights Act, 42 U.S.C. § 2000e-2 to -3. The district court entered summary judgment for Nestlé. We affirm.

In 2022, Rivera, who is Mexican-American, was hired by Nestlé to work as a utilities technician in a factory that manufactures frozen pizzas. Shortly after midnight on February 26, 2023, Rivera and a coworker, Michael Hirn, got into an altercation, and Rivera suffered injuries to his right knee. The two were promptly escorted from the factory and suspended.

Nestlé's employees investigated the incident, and Rivera and Hirn each claimed the other instigated the fight. These accounts were the only evidence available to Nestlé because there were no security cameras or other witnesses in the room where the fight occurred. Faced with conflicting stories and a policy against fighting in the workplace, Nestlé officials fired both men.

Rivera filed a timely charge with the Wisconsin Department of Workforce Development and the U.S. Equal Employment Opportunity Commission, alleging that he was fired based on national-origin discrimination.

After the EEOC issued a right-to-sue letter, Rivera sued Nestlé, alleging that he was mistreated at work and was wrongfully fired after the altercation with Hirn. These acts, he argued, constituted discrimination based on national origin in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 to -3.

Discovery was contentious. Rivera sought a wide range of documents from Nestlé, including security-camera videos from the factory on the night of the altercation and the original handwritten version of an investigator's report. Nestlé refused these requests: The videos were deleted as part of its record-retention policy, and the handwritten report was discarded after a digital version was created. Rivera twice moved the district court to draw an adverse inference against Nestlé for destroying those records; the court denied the motions.

The district court entered summary judgment for Nestlé. The court determined that all claims beyond that of discriminatory discharge were outside the scope of the EEOC charge and therefore had not been administratively exhausted. As to the discharge, the court noted that Nestlé provided a non-discriminatory reason to fire Rivera—the altercation with Hirn—and concluded that Rivera failed to present any evidence that this was pretextual.

On appeal, Rivera first argues that the district court ignored factual evidence that Hirn was the aggressor, and that a jury could have disagreed with Nestlé's conclusion that both men were culpable. But who started the fight is irrelevant. Nestlé provided a nondiscriminatory reason for firing Rivera, so he needed evidence that this reason was pretextual, i.e., dishonest and not merely incorrect. *See Hoffstead v. Ne. Ill. Reg'l Commuter R.R. Corp.*, 132 F.4th 503, 512 (7th Cir. 2025). Nothing about the fight or investigation suggests that Nestlé was dishonest.

Rivera also argues that the court inadequately considered evidence of other discriminatory acts that, he believes, suggest Nestlé discriminated against him. But the only evidence that at all hints of discrimination is an incident in which a coworker told him not to speak Spanish. That coworker, however, was not involved in the decision to fire Rivera, so the incident sheds no light on Nestlé's motivation. *See Tank v. T-Mobile USA, Inc.*, 758 F.3d 800, 806–07 (7th Cir. 2014).

Rivera next argues that the court failed to consider his claims for a hostile work environment, retaliation, discriminatory pay, and delayed workers' compensation. But the court dismissed these claims because they were outside the scope of his EEOC charge, and Rivera does not develop a substantive argument on appeal that the court erred in this determination. *See Bradley v. Village of University Park*, 59 F.4th 887, 897 (7th Cir. 2023).

Finally, Rivera argues that the court should have drawn an adverse inference from Nestlé's destruction of videos of the night of the altercation and a written report about the fight. But a party seeking an adverse inference must show that his opponent destroyed evidence in bad faith and cannot rely on speculation about the opponent's motive. *See Bracey v. Grondin*, 712 F.3d 1012, 1019 (7th Cir. 2013) (citing *Rummery v. Ill. Bell Tel. Co.*, 250 F.3d 553, 558 (7th Cir. 2001)). Rivera presented no evidence implying bad faith, so the court had no reason to infer any misconduct.

We have considered Rivera's other arguments, but none has merit.

AFFIRMED