NONPRECEDENTIAL DISPOSITION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 December 3, 2025*
Decided January 21, 2026

Before

DAVID F. HAMILTON, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 25-1069

YUMARCUS H. ANDERSON,
Plaintiff-Appellant,

v.

AMERICAN FOODS GROUP LLC and GREEN BAY DRESSED BEEF LLC,
Defendants-Appellees.

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

No. 1:23-cv-1287-WCG

William C. Griesbach,
Judge.

O R D E R

Plaintiff YuMarcus Anderson, a former employee of Green Bay Dressed Beef LLC, appeals from a summary judgment rejecting his claims of employment

* 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).

discrimination. The district court concluded that Anderson presented insufficient evidence to support his claims. We affirm.

We describe the events based on the properly submitted evidence, viewed in the light most favorable to Anderson and in accord with the district court's local rules. *See Flint v. City of Belvidere*, 791 F.3d 764, 767 (7th Cir. 2015); E.D. WIS. L.R. 56(b)(4). Anderson, who is African American, worked at Green Bay Dressed Beef LLC in its meat-processing plant. In November 2020, Anderson was called the N-word by a Latino co-worker in front of other employees. A couple of weeks later, Anderson approached his supervisor who was discussing a workplace injury with a white co-worker in the lunchroom. The co-worker called Anderson the N-word and told him to mind his own business.

The following spring, Anderson requested non-powdered rubber gloves because he had eczema. A foreman told Anderson he was acting like a "little girl." Anderson filed a complaint with the Equal Employment Opportunity Commission, invoking the "little girl" and N-word comments and alleging harassment based on his race, sex, and medical condition.

Several months after filing the complaint, the same foreman who made the "little girl" comment approached Anderson and told Anderson that he had dropped something. When Anderson looked down, the foreman held up a pair of women's underwear, prompting laughter from other employees.

Soon after that, Anderson was fired for insubordination after threatening and swearing at a supervisor. He later filed a second complaint with the EEOC describing the underwear incident and the circumstances of his discharge.

Anderson sued Green Bay Dressed Beef LLC, and its parent company, American Foods Group LLC, for employment discrimination. He alleged that they violated Title VII by creating a hostile work environment based on his race and sex, by retaliating against him for filing a complaint, and by firing him because of his race and sex. *See* 42 U.S.C. §§ 2000e-2, 2000e-3, 2000e-5. He also alleged retaliation under the Americans with Disabilities Act, 42 U.S.C. § 12203, as well as violations of several other laws, 18 U.S.C. §§ 242 & 1514; 42 U.S.C. § 1981; 41 C.F.R. § 60-20.8.

The district court granted the defendants' motion for summary judgment on all claims. Because Anderson responded to the defendants' motion with arguments only about the Title VII claims, the court deemed his arguments about the remaining claims

waived. The court also accepted as true the defendants' proposed facts because Anderson failed to respond to them under Rule 56(b)(4) of the Eastern District of Wisconsin's Local Rules. On the merits of Anderson's Title VII claims, the court granted summary judgment for the defendants because he failed to provide sufficient evidence from which a reasonable jury could find that he faced severe or pervasive harassment related to his race or sex; that he engaged in a protected activity that led to his firing; or that his race or sex contributed to his firing.

On appeal, Anderson first challenges the district court's decision to enforce Local Rule 56(b)(4). He maintains that a more lenient approach to filing requirements should apply to pro se litigants like him. District courts have discretion to enforce their local rules strictly, even against pro se litigants. *See Robinson v. Waterman*, 1 F.4th 480, 483 (7th Cir. 2021). Regardless, Anderson's summary-judgment response did not question the defendants' version of the facts, so we see no abuse of discretion in the court's application of the rule.

On the merits, Anderson argues that the district court either overlooked or wrongly discounted favorable evidence supporting his Title VII claims. For his race-based hostile work environment claim, for instance, he points to evidence that management did not discipline the co-workers who called him the N-word. To hold his employer liable for a hostile work environment, Anderson must show that (1) he was subject to unwelcome harassment; (2) the harassment was based on his race; (3) the harassment was severe or pervasive to a degree that it altered the conditions of his employment; and (4) there is a basis to hold the employer itself liable. *Gates v. Bd. of Educ. of the City of Chicago*, 916 F.3d 631, 636 (7th Cir. 2019).

Anderson is correct that an employee may hold his employer liable for failing to address his co-workers' use of racial epithets. *See Paschall v. Tube Processing Corp.*, 28 F.4th 805, 815 (7th Cir. 2022). But Anderson's claim fails for a separate reason: he has not shown that the two incidents subjected him to severe or pervasive harassment based on the totality of the circumstances. *See id*. To assess this element, we consider the frequency of the harassment, how offensive a reasonable person would find it, whether it is physically threatening or humiliating (rather than verbal abuse), whether it unreasonably interferes with the employee's work, and whether it is directed at the employee. *Scaife v. United States Dep't of Veterans Affairs*, 49 F.4th 1109, 1116 (7th Cir. 2022).

Although some factors weigh in Anderson's favor, the totality of the circumstances does not warrant reversal. Anderson maintains that two co-workers

called him the N-word on separate occasions in front of other employees and a supervisor. True, the N-word is so egregious that a one-time use can trigger Title VII liability in some circumstances. *Id.* And here the slur was directed at Anderson twice without remedial action from defendants even though a supervisor witnessed at least one incident. But that is where the support for Anderson's claim ends and the weaknesses begin. For one, neither of the incidents involved physical threats or humiliation. *See Nichols v. Michigan City Plant Plan. Dep't*, 755 F.3d 594, 601 (7th Cir. 2014). And Anderson points to no properly submitted evidence establishing that these two incidents unreasonably interfered with his work performance. *Id*. Furthermore, both incidents occurred very early in Anderson's employment, weeks apart, and the record lacks any indication that Anderson complained about his employer's inaction following either incident. *Ford v. Minteq Shapes & Servs., Inc.*, 587 F.3d 845, 847–48 (7th Cir. 2009) (concluding that the harassment the plaintiff complained of was not severe enough to alter his working conditions because he reported the issue only once in fourteen months and failed to follow up when the employer took no action within seven months of his complaint). Based on the totality of these circumstances, Anderson has not presented evidence from which a reasonable jury could find that defendants' failure to discipline his co-workers for their use of the N-word on two separate occasions created an environment so severe as to alter the conditions of his employment. *See Faragher v. City of Boca Raton*, 524 U.S. 775, 788 (1998).

For the sex-based hostile work environment claim, Anderson argues that the district court minimized the significance of the foreman's "little girl" comment and underwear prank. Employers are generally not liable for off-color comments, isolated incidents, or teasing by coworkers. *Anderson v. Street*, 104 F.4th 646, 652 (7th Cir. 2024). Although the foreman's behavior was obnoxious and entirely inappropriate, no facts suggest that his conduct in these two encounters interfered with Anderson's ability to do his job.

For the retaliation claim, Anderson argues that the district court (1) erred in finding that his EEOC complaint was not a protected activity and (2) overlooked evidence that he was fired days after speaking with management about further action with the EEOC, which supports an inference of causation between the protected activity and his firing. The court found that Anderson's complaint was not a protected activity because the court found no actionable harassment.

Anderson notes correctly that a retaliation claim does not fail just because the complained-of conduct did not actually violate Title VII. We have made this point time

and again. *See*, *e.g.*, *Rongere v. City of Rockford*, 99 F.4th 1095, 1104 (7th Cir. 2024); *Fine v. Ryan Int'l Airlines*, 305 F.3d 746, 752 (7th Cir. 2002); *Mattson v. Caterpillar, Inc.*, 359 F.3d 885, 891 (7th Cir. 2004) (underlying claim "must not be utterly baseless"); see also Seventh Circuit Pattern Civil Jury Inst. 3.02 (comment c). This long line of cases shows that what matters is whether the record supports the plaintiff's objectively reasonable belief that the employer discriminated against him. Even so, Anderson's claim still fails on causation because the record nowhere bears out his contention that he spoke with management about filing another EEOC complaint or that management otherwise learned of such a complaint before Anderson was fired.

Finally, for the wrongful termination claim, Anderson argues that the court improperly resolved a credibility dispute in the defendants' favor by accepting as non-pretextual their explanation that he was fired for insubordination. But Anderson waived this argument by raising it for the first time on appeal. *See Bradley v. Village of University Park*, 59 F.4th 887, 897 (7th Cir. 2023).

We have reviewed Anderson's remaining arguments, and none has merit.

AFFIRMED