[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 15-12807
Non-Argument Calendar

D.C. Docket No. 3:14-cv-00080-CAR

SUSANNA SCHAEFER,

Plaintiff - Appellant,

versus

ATHENS-CLARKE COUNTY GEORGIA,
Unified Government, a government entity,
ATHENS-CLARKE COUNTY POLICE
DEPARTMENT,
CHIEF JOSEPH LUMPKIN,
Athens-Clarke County Police Department,
in his individual and official capacity,
LIEUTENANT CHRIS NICHOLS,
Athens-Clarke County Police Department
in his individual and official capacity,
SERGEANT CHARLIE WANG,
Athens-Clarke County Police Department in
his individual and official capacity, et al.,

Defendants - Appellees.

Appeal from the United States District Court
for the Middle District of Georgia

(May 12, 2016)

Before MARTIN, ANDERSON, and EDMONDSON, Circuit Judges.

PER CURIAM:

Plaintiff Susanna Schaefer, proceeding pro se, appeals the district court's dismissal of her complaint -- filed pursuant to 42 U.S.C. § 1983 -- against Defendants Unified Government of Athens-Clarke County ("County") and five County police officers in their individual and official capacities:[1] Police Chief Joseph Lumpkin, Lieutenant Chris Nichols, Sergeant Charlie Wang, Lieutenant David Leedahl, and Sergeant Jeff Clark (collectively, "Defendant Officers").[2] No reversible error has been shown; we affirm.

[1] The district court dismissed properly Plaintiff's official-capacity claims against Defendant Officers as duplicative of Plaintiff's claim against the County. See Snow v. City of Citronelle, 420 F.3d 1262, 1270 (11th Cir. 2005) (suits against a municipal officer in his official capacity are deemed to be suits against the municipality itself).

[2] Plaintiff raises no challenge to the district court's dismissal of her claim against the Athens-Clarke County Police Department; that claim is abandoned. See N. Am. Med. Corp. v. Axiom Worldwide, Inc., 522 F.3d 1211, 1217 n.4 (11th Cir. 2008). In addition, we agree with the district court's determination that the Police Department is no legal entity subject to suit under

The Allegations and Background

Plaintiff's complaint arises from a series of events that occurred between September 2012 and February 2013. On 1 September 2012, Plaintiff called the police to report that someone had wedged a 10-foot board against her front door, trapping her inside her home. When Sergeant Wang arrived at Plaintiff's home to investigate, Plaintiff had already managed to exit her home.

Plaintiff told Sergeant Wang that she suspected that a man whom she had met several years earlier -- but with whom she had had no recent contact -- had placed the board against her door. Plaintiff conceded, however, that she "did not have any real proof." Plaintiff also reported to Sergeant Wang that she had noticed recent "strange activity," consisting mainly of "cars driving by and lurking near her house" in the middle of the night. Plaintiff explained that her suspect had engaged in similar conduct in the past and that, at one time, Plaintiff found this behavior "kind of flattering."

Plaintiff later complained to Sergeant Wang's supervisor that Sergeant Wang had failed to photograph the board and to complete a crime report. In response, Sergeant Wang returned the next day and completed a crime report. Plaintiff complains, however, that Sergeant Wang's questions were "very short and

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section 1983. See Dean v. Barber, 951 F.2d 1210, 1214 (11th Cir. 1992); Ga. Insurers Insolvency Pool v. Elbert Cty., 368 S.E.2d 500, 502 (Ga. 1988).

too specific." Plaintiff later reviewed the crime report and alleges it was filled with inaccuracies.

Sergeant Nichols was then assigned to investigate Plaintiff's case. During his initial telephone conversation with Plaintiff, Sergeant Nichols asked Plaintiff if she was on medication or if she suffered from hallucinations or a mental disorder, to which Plaintiff responded "no." Plaintiff repeated to Sergeant Nichols that "she had no real proof" that the man she suspected was actually involved.

A couple of weeks later, Plaintiff reported additional stalking activity to Sergeant Nichols. Based on her own "late night surveillance in her car," Plaintiff had identified a silver car she believed belonged to her suspect and provided Sergeant Nichols with a model and partial plate number. Sergeant Nichols was dismissive of Plaintiff's information and again asked Plaintiff if she had mental health issues.

When Plaintiff complained to Lieutenant Leedahl about Sergeant Nichols's treatment, Lieutenant Leedahl was also dismissive of Plaintiff's concerns and asked Plaintiff if she was on medication, suffered from hallucinations, or had emotional or mental problems.

Plaintiff updated Sergeant Nichols regularly on her case and also began sending "educational memos" to Sergeant Nichols, Lieutenant Leedahl, and to Chief Lumpkin, with information on sexual predators, stalking, and lock picking.

Between September 2012 and February 2013, Plaintiff called the police eleven times to report criminal activity around her house, "ranging from criminal trespassing, burglary, . . .vandalism, to possible attempted murder." Plaintiff describes the incidents as involving "bizarre staging, taunting, and lock picking." In each case, the police responded to Plaintiff's house and looked around but completed no crime report.

In January 2013, Sergeant Nichols told Plaintiff he had not investigated the plate number; he was dismissive of Plaintiff's concerns, and implied it was "all in her head." Lieutenant Leedahl also told Plaintiff her stories were "unbelievable" and that Plaintiff needed help.

Through an open records request, Plaintiff obtained a memo prepared by Sergeant Nichols documenting his first telephone conversation with Plaintiff. Plaintiff alleges that, in the memo, Sergeant Nichols mocked Plaintiff's fears and twisted her words "to convey images of prejudicial stereotypes of women." Sergeant Nichols also reported that it appeared to him that Plaintiff was a "consumer of mental health services" and that he was putting Plaintiff's case "in abeyance."

Plaintiff filed a complaint against Defendants, pursuant to 42 U.S.C. § 1983, alleging that Defendants deprived her of equal protection of the laws in violation of the Fourteenth Amendment by discriminating against her based on her sex.

Plaintiff also purports to allege that Chief Lumpkin failed to train staff about inappropriate sex stereotyping, lock picking, and predatory crimes. The district court in a thorough order granted Defendants' motion to dismiss.

Discussion

We review de novo a district court's ruling on a Fed. R. Civ. P. 12(b)(6) motion to dismiss, "accepting the allegations in the complaint as true and construing them in the light most favorable to the plaintiff." Am. Dental Ass'n v. Cigna Corp., 605 F.3d 1283, 1288 (11th Cir. 2010). Although we construe liberally pro se pleadings, pro se litigants must still conform to procedural rules. Albra v. Advan, Inc., 490 F.3d 826, 829 (11th Cir. 2007).

To survive dismissal for failure to state a claim, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009) (quotation omitted). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Id.

To avoid dismissal of her section 1983 claim, Plaintiff must allege facts demonstrating that she was deprived of a constitutional right by a person acting

under color of state law. See Griffin v. City of Opa-Locka, 261 F.3d 1295, 1303 (11th Cir. 2001). To state a claim under the Equal Protection Clause, a plaintiff must demonstrate (1) that similarly situated persons outside her protected class were treated more favorably; and (2) that "the state engaged in invidious discrimination against [her] based on race, religion, national origin, or some other constitutionally protected basis." Sweet v. Sec'y, Dep't of Corr., 467 F.3d 1311, 1318-19 (11th Cir. 2006); GJR Invs. v. Cty. of Escambia, 132 F.3d 1359, 1367-68 (11th Cir. 1998).

Plaintiff has alleged no plausible claim for sex discrimination under the Equal Protection Clause. First, Plaintiff's complaint contains no allegation that Plaintiff was treated less favorably than similarly-situated men who reported criminal activity to the police. In fact, Plaintiff has alleged no facts demonstrating she was denied government services provided to "other crime victims," male or female. Plaintiff's allegations demonstrate, instead, that the police responded each time Plaintiff reported suspicious activity at her house. On each occasion, the police discussed with Plaintiff her concerns and secured the premises, but found no evidence of criminal activity sufficient to warrant further investigation. Although Plaintiff suspected she knew the man responsible for the suspicious activity, Plaintiff told police at least twice that she had no proof that he was in fact involved. That Plaintiff was dissatisfied with the adequacy or accuracy of

Defendants' investigation and written reports does not render Defendants' conduct unconstitutional.

Moreover, Plaintiff has alleged no facts demonstrating plausibly that Defendant Officers engaged in invidious discrimination against Plaintiff based on her sex. Plaintiff contends that Defendant Officers believed inaccurately that Plaintiff was "a consumer of mental health services" and asked her repeatedly if she suffered from mental illness or hallucinations. Even accepting Plaintiff's allegations as true, Plaintiff has failed to demonstrate that she was discriminated against based on a constitutionally-protected ground.

We reject Plaintiff's contention that Defendant Officers' characterization of her as "a consumer of mental health services" constituted improper sex-based stereotyping: mental illness is not sex-specific. Even to the extent that Sergeant Wang and Sergeant Nichols's written reports can be construed as portraying Plaintiff as "hysterical," "insane," or as a "scorned woman,"[3] Plaintiff has alleged insufficient facts to allow us to draw the reasonable inference that Defendant Officers engaged in unconstitutional sex-based stereotyping or discrimination.

[3] Plaintiff makes no allegation that Defendant Officers actually used the terms "hysterical," "insane," or "scorned woman." These terms are used by Plaintiff only.

Plaintiff has alleged no plausible constitutional violation: Plaintiff's individual-capacity claims against Defendant Officers were dismissed properly.[4]

Because Plaintiff failed to allege sufficiently an underlying constitutional violation, she also "cannot maintain a § 1983 action for supervisory liability against [Chief Lumpkin] for failure to train." See Hicks v. Moore, 422 F.3d 1246, 1253 (11th Cir. 2005). Plaintiff's failure-to-train claim also fails because she alleged no facts demonstrating the requisite causal connection between the alleged constitutional violation and Chief Lumpkin's failure to train. See Cottone v. Jenne, 326 F.3d 1352, 1360 (11th Cir. 2003).

About Plaintiff's claim against the County, Plaintiff has failed to allege sufficiently an underlying constitutional violation, a County custom or policy that was deliberately indifferent to Plaintiff's constitutional right, or a causal connection between a County custom or policy and the alleged constitutional violation. As a result, Plaintiff's claim against the County was also subject to dismissal. See McDowell v. Brown, 392 F.3d 1283, 1289 (11th Cir. 2004).

AFFIRMED.

[4] Moreover, we are certain Plaintiff has alleged no violation of a constitutional right that was "clearly established" at the time Defendant Officers questioned Plaintiff about her mental health, completed inaccurate or incomplete police reports, and investigated Plaintiff's complaints. Thus, even if Defendant Officers violated Plaintiff's constitutional rights -- which we conclude they did not -- Defendant Officers would be entitled to immunity. For background, see Vinyard v. Wilson, 311 F.3d 1340 (11th Cir. 2002).