

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-11018

Non-Argument Calendar

MARIO AUSTIN,

Plaintiff-Appellant,

versus

AMERICAN BUILDING COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Alabama
D.C. Docket No. 2:19-cv-01059-RAH-KFP

Before LAGOA, BRASHER, and EDMONDSON, Circuit Judges.

PER CURIAM:

Mario Austin, proceeding *pro se*, appeals the district court’s grant of summary judgment in favor of his former employer, the American Building Company (“ABC”). No reversible error has been shown; we affirm.

Austin began working for ABC as a shear operator in August 2018. Less than four months later, ABC terminated Austin’s employment. Austin filed this civil action against ABC in 2019. Construed liberally, Austin’s *pro se* complaint¹ asserted claims against ABC for unlawful discrimination based on race, color, and national origin, and also for retaliation, in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e (“Title VII”).

Following discovery, ABC moved for summary judgment. In support of its motion, ABC filed a brief -- which included a statement of undisputed material facts -- and several exhibits. In response to ABC’s motion, Austin filed two one-page documents, in which Austin sought chiefly to obtain additional discovery materials. Never did Austin contest ABC’s statement of undisputed facts.

A magistrate judge issued a detailed 27-page report and recommendation (“R&R”), advising that the district court grant summary judgment in favor of ABC. The magistrate judge

¹ Austin filed an initial complaint and two amended complaints. The district court considered all three complaints, together, as the operative complaint.

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summarized the undisputed material facts. The magistrate judge then determined that Austin failed to exhaust properly his claims for retaliation and for discrimination based on color and national origin.

The magistrate judge next examined Austin's race discrimination claim under the burden-shifting framework established in *McDonnell Douglas*.² The magistrate judge concluded that Austin established no *prima facie* case of race discrimination based on the termination of his employment: what Austin put forth could not demonstrate either that he was qualified for his position or that he was treated less favorably than a similarly-situated person outside his protected class.³ In addition, the magistrate judge determined that Austin's submissions were insufficient to show that ABC's proffered legitimate, nondiscriminatory reasons for terminating Austin's employment -- poor performance and attendance issues -- were a pretext for race discrimination.

Austin objected to the R&R. The district court overruled Austin's objections, adopted the R&R, and granted summary judgment in favor of ABC. Austin appealed the district court's final judgment.

² *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

³ For the same reasons, the magistrate judge determined that Austin failed to establish a *prima facie* case of discrimination necessary to support a claim for unequal terms and conditions of employment based on race.

In his *pro se* appellate brief, Austin raises no substantive argument challenging the district court's grant of summary judgment. Austin identifies no issues on appeal and cites to no legal authority. Nor does Austin dispute the facts set out in the R&R or contend that the magistrate judge or the district court erred in addressing his claims. The "Argument" section of Austin's brief consists only of a request for oral argument.

Generally speaking, issues not raised in an appellant's initial brief are deemed abandoned and will not be addressed absent extraordinary circumstances. *See United States v. Campbell*, 26 F.4th 860, 872-73 (11th Cir. 2022) (*en banc*); *Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1330 (11th Cir. 2004). We have long held that briefs filed by *pro se* litigants must be read liberally. *See Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). Nevertheless, when a *pro se* litigant fails entirely to raise an issue on appeal, that issue is deemed abandoned. *Id.*; *see Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007) (explaining that *pro se* litigants are required to comply with the applicable procedural rules).

Because Austin's appellate brief -- construed liberally -- fails to challenge the district court's order granting summary judgment, we affirm.

AFFIRMED.