

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-10453  
Non-Argument Calendar

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MARITZA REYES,

*Plaintiff-Appellant,*

*versus*

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES (FAMU),

*Defendant-Appellee.*

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 6:22-cv-01525-WWB-DCI

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Before LUCK, LAGOA, and BLACK, Circuit Judges.

PER CURIAM:

Maritza Reyes appeals the district court's grant of summary judgment to Florida A&M University Board of Trustees (FAMU)

on her Title VII discrimination, hostile work environment, and retaliation claims as well as its denial of her motions to file a corrected response to FAMU's summary judgment motion and to reopen discovery. She brings three issues on appeal, which we address in turn. After review, we affirm.

### I. CORRECTED RESPONSE TO SUMMARY JUDGMENT

Reyes contends the district court should have granted her motion to replace her response to FAMU's summary judgment motion because her eye condition prevented her from filing a complete response. A party moving to extend an already expired deadline must show "good cause" for extending the deadline and demonstrate that it failed to meet that deadline due to "excusable neglect." Fed. R. Civ. P. 6(b)(1)(B) (explaining courts may generally extend a party's deadline "on a motion made after the time has expired" only if the party missed the deadline due to "excusable neglect"); Fed. R. Civ. P. 16(b)(4) (explaining courts can only modify a scheduling order "for good cause"). To show good cause for failing to timely file, a party must show it could not meet its deadline despite acting diligently. *Jimenez v. U.S. Att'y Gen.*, 146 F.4th 972, 1002-03 (11th Cir. 2025) (holding a district court did not abuse its discretion by denying a plaintiff's motion to extend its deadline to amend its complaint). A plaintiff who has received multiple extensions and asserts she cannot meet a deadline due to illness does not demonstrate she acted diligently. *See Young v. City of Palm Bay*, 358 F.3d 859, 861-64 (11th Cir. 2004) (holding a district court did not abuse its discretion in denying a plaintiff's fifth motion to extend his deadline to respond to a summary judgment motion even

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though counsel asserted that illness prevented timely filing his response because the court had already extended the plaintiff's deadline with four continuances). In determining whether a party has shown excusable neglect, we have identified the following factors: "the danger of prejudice to the nonmovant, the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith." *United States v. Beaufile*, 160 F.4th 1147, 1170 (11th Cir. 2025).

The district court did not abuse its discretion by determining that Reyes was not diligent and denying Reyes's motion to file a corrected response. *See id.* at 863 (reviewing a district court's denial of a motion for an extension of time to file a response for abuse of discretion). Reyes was required to show both "good cause" for substituting her response and "excusable neglect" for not entering a complete response by the deadline as the deadline to file her response to FAMU's summary judgment motion had already passed when she filed her motion to substitute her response. *See Fed. R. Civ. P. 6(b)(1)(B); 16(b)(4)*. Reyes did not diligently attempt to offer a full response to FAMU's summary judgment motion because she filed an incomplete response after receiving three extensions and a total of 48 days to draft her response. Although Reyes asserted her inability to file a complete response stemmed from an eye condition that developed on the due date, her eye condition was not good cause for granting yet another extension because the court had already granted her three extensions. *See Young*, 358 F.3d at 861-64. In addition, her 44-day delay in filing a motion asking the

district court to allow her to replace the incomplete response does not constitute excusable neglect. *See Beaufile*, 160 F.4th at 1170. Thus, we affirm as to this issue.

## II. SUMMARY JUDGMENT

Reyes asserts summary judgment was improper because the evidence she presented created a genuine issue of material fact on each of her claims—discrimination, retaliation, and hostile work environment.

### A. Discrimination

Title VII prohibits employers from discriminating against any individual with respect to her compensation, terms, conditions, or privileges of employment “because of” her race or sex. 42 U.S.C. § 2000e-2(a)(1). Courts adjudicate summary judgment motions in employment discrimination claims using the *McDonnell Douglas* framework. *Ismael v. Roundtree*, 161 F.4th 752, 759 (11th Cir. 2025). Under the *McDonnell Douglas* framework for discrimination, an employee bears the burden of demonstrating a prima facie case which requires showing: (1) the employee is part of a protected group; (2) she was well qualified; (3) she suffered an adverse employment action; and (4) she was treated less favorably than similarly situated employees outside of her protected group. *Id.*

If an employee does not establish a prima facie case, “she does not automatically lose on summary judgment.” *Id.* at 764. Rather, the district court must consider whether the employee has established a convincing mosaic of intentional discrimination from record evidence and deny summary judgment if she has. *Id.* at 765.

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Concerning her discrimination claim, Reyes cannot establish that FAMU treated her less favorably than a similarly situated employee because she provided no evidence that Yolanda Jones, the person she names as a comparator, is similarly situated to her in all material respects. *See Jenkins v. Nell*, 26 F.4th 1243, 1249 (11th Cir. 2022) (explaining “ordinarily a similarly situated comparator and the plaintiff will: have engaged in the same basic conduct or misconduct, be subject to the same employment policies, have the same supervisor(s), and share an employment or disciplinary history”). Reyes cannot establish a prima facie case of discrimination under the *McDonnell-Douglas* framework. *See Ismael*, 161 F.4th at 759.

Reyes also cannot establish a convincing mosaic of discrimination because she presented no evidence that Provost Maurice Edington, who made the decision to deny Reyes’s application for promotion to full professor, discriminated against her. *See id.* at 764 (stating under the convincing mosaic standard, “the plaintiff must produce enough evidence, on her own and without any helpful evidentiary burdens or presumptions, to demonstrate a material issue of triable fact”). Reyes does not contest that President Larry Robinson had authority to decide whether to promote her to full professor and delegated that decision to Edington. Accordingly, to create a convincing mosaic of discrimination, Reyes must present evidence that Edington declined to promote her for a discriminatory reason. *See id.* However, the only evidence in the record concerning Edington’s reasoning for rejecting Reyes’s application is (1) his affidavit where he disclaimed any discriminatory intent, and

(2) the letter he sent Reyes, in which he stated that he decided to deny her application due to her lack of scholarship. Reyes's evidence that her scholarship met the Nunn Memo's<sup>1</sup> and the faculty handbook's requirements for promotion to full professor cannot demonstrate that Edington decided against promoting her for a reason other than her scholarship because Reyes presents no evidence that Edington's *belief* that her work failed to meet FAMU's scholarship standards was insincere. *See Todd v. Fayette Cnty. Sch. Dist.*, 998 F.3d 1203, 1218 (11th Cir. 2021) (noting that to show discrimination, we are concerned with "the employer's beliefs, not the employee's beliefs and, to be blunt about it, not on reality as it exists outside of the decision maker's head"). Because Reyes points to no evidence that contravenes Edington's disclaiming any discriminatory motivation, Reyes cannot establish that Edington intentionally discriminated against her. Thus, Reyes cannot create a convincing mosaic of intentional discrimination. *See Ismael*, 161 F.4th at 758 (stating we review a district court's grant of summary judgment de novo and view all evidence and factual inferences reasonably drawn from the evidence in the light most favorable to the non-moving party).

### *B. Retaliation*

Retaliation claims follow the same burden-shifting framework but with a modified initial prima facie burden—the employee must first show that: (1) she engaged in a protected activity, such

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<sup>1</sup> The Nunn Memo was a memo authored by law professor Kenneth Nunn providing FAMU's rules for promotion and tenure.

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as filing a complaint for discrimination; (2) she suffered a material adverse action; and (3) there was a causal connection between her protected activity and the adverse action. *Id.* at 759.

Reyes has presented no evidence that Edington's motivation for denying her application for a promotion was to penalize her for filing complaints. Accordingly, Reyes cannot show a causal connection between filing complaints and FAMU denying her a promotion, so she cannot establish a prima facie case of retaliation. *See id.* Furthermore, Reyes cannot create a convincing mosaic of retaliation because the only evidence in the record concerning Edington's motivation indicates it was not discriminatory. *See id.* at 758, 764-65. Thus, Reyes presents no evidence that creates a genuine issue of material fact as to her retaliation claim.

### *C. Hostile Work Environment*

To establish a hostile work environment claim, an employee must prove that: (1) she belongs to a protected class; (2) she was subjected to unwelcome harassment; (3) the harassment was based on her race; (4) the harassment was severe or pervasive enough to alter the terms of her employment and create an abusive working environment; and (5) the employer is responsible for the environment under a theory of vicarious or direct liability. *Smelter v. S. Home Care Servs., Inc.*, 904 F.3d 1276, 1284 (11th Cir. 2018).

Reyes does not attempt to rebut the district court's conclusion that she did not suffer any physically threatening conduct, that any other conduct was too infrequent or sporadic to be pervasive,

and she did not demonstrate that any conduct unreasonably interfered with her job performance. Further, none of the deposition testimony Reyes points to on appeal substantiates her hostile work environment claim because that testimony does not indicate any FAMU employee took any action against her due to her race. *See id.* For example, nothing in Robinson's or Dean LeRoy Pernell's testimony shows Pernell selected the scholarship standard he used to review Reyes's application based on her race. Also, nothing in Robinson's testimony indicates he declined to follow up on Reyes's complaints beyond forwarding them to various other university officials because of Reyes's race. In addition, nothing in Robinson's testimony indicates Professor Patricia Broussard reviewed Reyes's scholarship in a discriminatory manner. Furthermore, nothing in Broussard's testimony suggests she took any action against Reyes due to her race. Because the testimony that Reyes points to cannot establish she was subject to race-based harassment, it cannot establish a hostile work environment claim. *See id.*

Accordingly, Reyes cannot demonstrate that a genuine issue of material fact exists as to any of her claims, so the district court did not err by granting summary judgment to FAMU. *See Fed. R. Civ. P. 56(a).*

### III. MOTION TO REOPEN DISCOVERY

Reyes asserts the district court should have granted her motion to reopen discovery because it allowed FAMU to file its answer to her operative complaint after discovery closed. A district court

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may deny a motion to reopen discovery when the parties have already conducted a significant amount of discovery, and more discovery would not be helpful. *Artistic Entm't, Inc. v. City of Warner Robins*, 331 F.3d 1196, 1202 (11th Cir. 2003). More discovery would not be helpful when additional discovery would not resolve any dispositive, disputed evidentiary issue. *See id.* at 1203 (holding additional discovery would not help to resolve a question of law); *see also Avirgan v. Hull*, 932 F.2d 1572, 1580-81 (11th Cir. 1991) (holding additional discovery was unnecessary because the court gave the parties ample time to conduct discovery on the dispositive issue).

Reopening discovery would not have been helpful because the parties conducted significant discovery, and Reyes articulates no dispositive evidentiary issue that discovery could resolve. *See Artistic Entm't, Inc.*, 331 F.3d at 1203. The parties conducted significant discovery because they took four depositions and, by her own admission, Reyes collected over 1,000 pages of evidence.

Additionally, resolving the disputes Reyes lists in her brief would not change the outcome of this litigation. Proving the Nunn Memo contained FAMU's faculty promotion policies would only demonstrate that Reyes's scholarship was not Edington's real reason for denying her application if Edington believed the Nunn Memo stated the applicable scholarship requirement and that Reyes met that requirement. *See Todd*, 998 F.3d at 1218. Because no evidence indicates Edington's belief that Reyes's publications failed to meet FAMU's scholarship standards was insincere, proving the Nunn Memo contained FAMU's faculty promotion policies

would not have created a genuine issue of material fact as to Reyes's discrimination or retaliation claims. *See id.* Similarly, whether FAMU hired Reyes on a tenure-track position and the race or gender of the members of the Retention, Promotion, and Tenure Committee has no bearing on Edington's motives or whether any FAMU employee discriminated against Reyes. Thus, conducting additional discovery on these points would not have precluded summary judgment on Reyes's discrimination, retaliation, or hostile work environment claims.

Because the parties conducted significant discovery and reopening discovery would not have helped to resolve any dispositive issue, the district court did not abuse its discretion by denying Reyes's motion to reopen discovery. *United States v. Undetermined Quantities of All Articles of Finished and In-Process Foods*, 936 F.3d 1341, 1344 (11th Cir. 2019) (reviewing a district court's denial of a motion to reopen discovery for abuse of discretion). Accordingly, we affirm.

**AFFIRMED.**