

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13080
Non-Argument Calendar

MARIE JEAN CHARLES,

Plaintiff-Appellant,

versus

THE GEO GROUP INC,
BI INC,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:21-cv-01364-WWB-NWH

Before ROSENBAUM, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Marie Jean Charles appeals from the district court's order granting summary judgment in favor of her former employers,

The Geo Group, Inc. and B.I. Incorporated (collectively, “Defendants”), on her Title VII retaliation claim. *See* 42 U.S.C. § 2000e-3(a). After careful review, we affirm.

I.

Defendants contracted with the Department of Homeland Security (“Department”) to help operate the Intensive Supervision Appearance Program (“Program”) in Orlando, Florida. The Program is an alternative to immigration detention involving electronic monitoring.

Jean Charles began working for Defendants in 2008 as a case specialist. In that role, she was tasked with monitoring program participants as they awaited immigration court proceedings, including installing or removing electronic monitoring devices. The removal of these devices generally required prior approval from the Department.

Jean Charles was the only Black, Haitian individual in her office. In 2011, she stopped receiving raises, and management indicated she had reached the salary cap. Jean Charles began receiving annual “lump sum” payments based on “market value.” She questioned management about the pay structure and suggested she was being singled out. Still, as of 2020, she was the highest paid case specialist in the Orlando office.

In 2016 or 2017, Jean Charles interviewed for a senior case specialist position along with four other candidates. She was not selected. On November 18, 2020, Jean Charles filed a charge of

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discrimination with the Equal Employment Opportunity Commission (“EEOC”), alleging race, color, and national-origin discrimination regarding the pay issues and denial of promotion.

In April 2021, Department Officer Irene Jenkins reported to Defendants that Jean Charles had removed several monitoring devices from participants without first receiving the Department’s approval. The issue came to light when Jean Charles requested backdated Department forms from Jenkins approving the removal of the devices. Jenkins also expressed concern that Jean Charles had inaccurately indicated in the case notes that she had received prior approval from Jenkins for the device removals, when she had not.

Amber McMahon, a regional manager for Defendants, spoke to Jean Charles about the concerns raised by Jenkins. Jean Charles asserted that her role allowed her to remove the monitoring devices without the Department’s prior authorization, and that she was acting consistent with standard office protocol since 2008. McMahon spoke again with Jenkins, who stated that she had lost confidence in Jean Charles and no longer wanted to work with her.

Jean Charles was terminated on May 20, 2021. The termination notice stated that the failure to receive approval from the Department before removing an electronic monitoring device was a “significant failure to follow policy and procedure,” and that she “misrepresented” she “had received a request to remove the monitor from a specific [Immigration and Customs Enforcement] officer when in fact that had not occurred.” Because of Jean Charles’s “lack of candor,” and the Department’s “loss o[f] confidence” in

her, Defendants terminated her employment, without progressive discipline.

Jean Charles filed another EEOC charge, alleging that her termination was retaliatory. Then she filed this action alleging claims of discrimination and retaliation under Title VII. After proceedings not relevant to this appeal, Defendants moved for summary judgment. In her response opposing summary judgment, Jean Charles conceded that her failure-to-promote claim was outside the statute of limitations, and she abandoned her discrimination claim based on salary cap and pay issues, leaving only her retaliation claim. The district court granted summary judgment to Defendants. Jean Charles now appeals.

II.

We review a district court's grant of summary judgment *de novo*. *Ismael v. Roundtree*, 161 F.4th 752, 758 (11th Cir. 2025). In doing so, we view all evidence and factual inferences reasonably drawn from the evidence in the light most favorable to the non-moving party. *Id.* A court may grant summary judgment "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." *Id.* (quoting Fed. R. Civ. P. 56(a)).

III.

Jean Charles appeals the grant of summary judgment on her Title VII retaliation claim. Title VII prohibits an employer from

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retaliating against any employee for engaging in statutorily protected activity. *Vincent v. Jefferson Cty. Bd. of Educ.*, 152 F.4th 1339, 1352 (11th Cir. 2025); *see* 42 U.S.C. § 2000e-3(a).

A plaintiff can set forth a Title VII retaliation claim under a burden-shifting framework or by showing a convincing mosaic of circumstantial evidence. *Berry v. Crestwood Healthcare LP*, 84 F.4th 1300, 1307, 1310 (11th Cir. 2023). Under the burden-shifting framework, “the employee must establish a prima facie case of retaliation by proving that she engaged in statutorily protected conduct; she suffered an adverse employment action; and a causal relation exists between the two events.” *Id.* at 1307. The employer may then “proffer a legitimate, nonretaliatory reason for the adverse action,” and if it does so, “the employee must prove that the employer’s proffered reason was a pretext for retaliation.” *Id.* (quotation marks omitted). Instead of proceeding under this framework, the plaintiff can simply present “enough circumstantial evidence” for “a reasonable jury to infer that the employer engaged in intentional retaliation.” *Id.* at 1310.

Ultimately, the plaintiff “must prove that her protected activity was a but-for cause of the alleged adverse action.” *Vincent*, 152 F.4th at 1352 (quotation marks omitted). “The burden of causation can be met by showing close temporal proximity between the statutorily protected activity and the adverse employment action.” *Thomas v. Cooper Lighting, Inc.*, 506 F.3d 1361, 1364 (11th Cir. 2007). “But mere temporal proximity, without more, must be ‘very close.’” *Id.* A “three to four month disparity . . . is not

enough.” *Id.* Accordingly, “in the absence of other evidence tending to show causation, if there is a substantial delay between the protected expression and the adverse action, the complaint of retaliation fails as a matter of law.” *Id.*

There’s no dispute that Jean Charles engaged in protected activity by submitting an EEOC charge, *see* 42 U.S.C. § 2000e-3(a), or that she suffered an adverse employment action—namely, termination. But the district court concluded that Jean Charles could not prove that her termination was causally related to her protected activity. We agree.

For starters, we reject Jean Charles’s argument that the district court failed to apply the proper causation standard. “A Title VII retaliation claim requires proof that the desire to retaliate was the but-for-cause of the challenged employment action.” *Yelling v. St. Vincent’s Health Sys.*, 82 F.4th 1329, 1340 (11th Cir. 2023). As a result, the mixed-motive or motivating-factor framework “does not apply to Title VII retaliation claims.” *Id.* at 1338.

It’s true, as Jean Charles notes, that to establish “the causation prong of the prima facie test, the plaintiff must show that the protected activity and the adverse action were not wholly unrelated.” *Tolar v. Bradley Arant Boult Commings, LLP*, 997 F.3d 1280, 1294 (11th Cir. 2021) (quotation marks omitted). But that more lenient standard gives way “[a]t the stage of summary judgment proceedings in which the plaintiff must rebut the defendant’s proffered nonretaliatory reason for its action.” *Id.* At that point, “the plaintiff must meet the more demanding ‘but for’ test.” *Id.*

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Accordingly, the district court correctly applied the “but-for” test in concluding that, even assuming Jean Charles could establish a prima facie case of retaliation, her retaliation claim failed for want of a causal link because she had not rebutted Defendants’ legitimate, non-retaliatory reasons for her termination. *See id.*

Here, Jean Charles has not established a genuine issue of material fact as to whether “her protected activity was a but-for cause of the alleged adverse action.” *Vincent*, 152 F.4th at 1352. Her termination occurred roughly six months after her November 2020 EEOC charge, which is not close enough on its own to establish a triable issue of causation. *See Thomas*, 506 F.3d at 1364. And the evidence does not otherwise suggest that Defendants retaliated against her for her EEOC activity when it terminated her employment in May 2021.

The record establishes that Jean Charles was terminated following an investigation into reports from a Department officer in April 2021 that Jean Charles had violated policy by removing electronic monitoring devices without prior Department approval, and that she had created case notes that falsely reflected such approval. In her deposition testimony, Jean Charles did not dispute that she had violated official policy. Rather, she asserted that her conduct was consistent with informal protocol in the Orlando office. Even so, there’s no evidence that Defendants retained a case specialist despite receiving a specific complaint about the employee from the Department. In fact, Defendants presented un rebutted evidence

that they have terminated other case specialists outside of her protected classes for similar violations.

This “intervening discovery of misconduct undercuts [any] inference” that Jean Charles’s EEOC activity caused her termination. *See Berry*, 84 F.4th at 1309. And Jean Charles has not cited evidence sufficient to undermine the legitimacy of Defendants’ proffered justification or to permit a reasonable inference that her protected conduct was a but-for cause of her termination. *See Yelling*, 82 F.4th at 1341; *see Martin v. Fin. Asset Mgmt. Sys., Inc.*, 959 F.3d 1048, 1058 (11th Cir. 2020) (“[I]nferences in favor of a plaintiff can be based only on evidence—not on speculation.”).

For these reasons, we affirm the grant of summary judgment on Jean Charles’s retaliation claim under Title VII.

AFFIRMED.