

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14185
Non-Argument Calendar

KIMBERLY BELLAMY,

Plaintiff-Appellant,

versus

C2 GLOBAL PROFESSIONAL SERVICES LLC,
d.b.a. Career Source Capital Region,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 4:25-cv-00060-RH-MAF

Before NEWSOM, BRANCH, and BRASHER, Circuit Judges.

PER CURIAM:

Kimberly Bellamy appeals from the district court's order granting defendant C2 Global Professional Services, LLC's ("C2")

motion for summary judgment, and denying Bellamy's second amended motion for summary judgment, on her disability discrimination claim under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 *et seq.* The district court concluded that C2's decision not to hire Bellamy was for a legitimate, nondiscriminatory reason—Bellamy had failed to complete a mandatory drug test, which was a condition of employment.

The district court did not err in entering judgment for C2. Although Bellamy raises several procedural challenges, in each case the district court's decision was well within its discretion to control the proceedings before it, nor did it deny Bellamy any due process. As for Bellamy's merits challenge, we affirm the district court's grant of summary judgment because Bellamy has failed to make out a *prima facie* claim of discrimination in violation of the ADA.

I. BACKGROUND

Bellamy applied to for a job with C2 as a program support specialist. At some point during the interview process, Bellamy disclosed to C2 that she had PTSD and that she treated her symptoms with marijuana, although she did not have a Florida medical marijuana card authorizing such use.¹ She wrote to C2 in an e-mail, "I have continued to use marijuana for medicinal purposes, though I've not been able to pay for my medical card."

¹ The use of marijuana for any purpose is illegal under federal law, *see* 21 U.S.C. §§ 802, 812, & 844, and is illegal under Florida law without a valid medical marijuana card, *see* Fla. Stat. § 381.986.

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C2 had in place, and consistently followed, an internal, written policy during the relevant time preventing any employee from using drugs prohibited by the federal Controlled Substances Act, which included marijuana or using any legally obtainable drug that had been obtained illegally.² After Bellamy was informed of C2's policy, she said that, actually, she had been "using the legal CBD," although she never expressly recanted her use of marijuana.

C2 offered Bellamy the job, on the condition that she pass a drug test at an independent testing facility. C2 e-mailed Bellamy at just past 4:00 p.m. on September 6, 2023, to tell her that she "ha[d] until **Friday, September 8th, 2023 at 4:45 pm EST** to complete [her] drug screening." The e-mail attached the appointment confirmation, which said that it would expire on September 8, 2023, at 4:45 p.m.

By midday on September 8, Bellamy had not completed the test. Instead, just before noon she called C2 and asked to reschedule the test, but the call went to voicemail. Finally, Bellamy arrived at the drug testing center at 4:41 p.m. on September 8—four minutes before the deadline to complete the test—and found the facility closed.³ Bellamy then e-mailed C2 a minute later to tell

² C2's policy was not just compliance with general federal law; as a recipient of federal grant funding, C2 had to comply with the Drug-Free Workplace Act, *see* 41 U.S.C. §§ 8101–8106.

³ A screenshot of Google maps, submitted as part of the record below, indicates that the testing facility publicly listed their Friday business hours as running from 8:00 a.m. to 3:00 p.m.

them about her failure to complete the testing. She also sent a picture of the locked doors of the facility, which she took when she arrived. Finally, Bellamy told C2 that she would still “report for work on Monday,” when she and C2 could “work out the details” concerning her failure to complete the test.

C2 rescinded its job offer to Bellamy. As explained in its revocation letter, its “previously extended offer of employment [wa]s being revoked due to [Bellamy’s] inability to complete [her] drug screening.” The revocation was consistent with C2’s internal policy that “[r]efusal to submit to testing will result in the withdrawal of the [job] offer.” C2’s hiring manager responsible for rescinding Bellamy’s job offer explained that, “[f]rom [his] perspective, a responsible candidate . . . would not have waited until three (3) minutes before the deadline” for her drug test, that Bellamy’s conduct “drew into question whether she would be responsible as an employee,” and that his concerns were

amplified by the fact that [Bellamy] had previously disclosed to C2 Global that she was [using] marijuana without the state-required medical card and then changed her story to taking “Legal CBD” after she was advised that marijuana was still federally illegal and C2 Global must comply with the federal Drug Free Workplace Act that outlaws marijuana.

Bellamy then sued C2, alleging one count of disability discrimination under the ADA. In her second amended complaint, the operative complaint, Bellamy alleged that C2 had “no legitimate, non-discriminatory reason for rescinding [her] job

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offer.” Instead, Bellamy alleged that the true basis for the rescinded offer was discriminatory: during the hiring process, she had informed C2 that she suffered from post-traumatic stress disorder which caused her to feel depressed and experience suicidal ideation, and Bellamy believed that C2 rescinded the offer because of her condition.

After C2 filed its answer and raised a failure to exhaust administrative remedies defense, the district court entered a scheduling order that, in relevant part, instructed the parties that they should “present the [exhaustion] issue for an early decision.” After brief discovery on the exhaustion issue, C2 duly submitted its first motion for summary judgment addressing just the exhaustion issue, and “reserv[ing] the right to file a subsequent Motion for Summary Judgment . . . as to the merits of [Bellamy’s] claims.”⁴ The district court denied C2’s motion for summary judgment on the exhaustion issue.

The parties took additional discovery, after which C2 filed a second motion for summary judgment on October 9, 2025. This time, C2’s motion addressed the merits of Bellamy’s ADA claim. Bellamy did not respond to C2’s second motion, and the district court granted the motion on November 12, 2025. Per the district court, “[t]he record establishes without genuine dispute that C2 declined to hire Ms. Bellamy for a legitimate, nondiscriminatory

⁴ Bellamy filed her own motion for summary judgment at the same time as C2’s, but the district court struck it as procedurally deficient for failure to comply with Local Rule 56.1.

reason, not because she had PTSD or any disability.” The district court further explained that “C2’s reason [for revoking Bellamy’s offer] seems a good reason—but even if not, it plainly was not a discriminatory reason.”

Bellamy timely appealed.

II. DISCUSSION

On appeal and *pro se*, Bellamy raises several issues challenging the district court’s grant of summary judgment on procedural and substantive grounds. We begin with her procedural and due process challenges, and then address the merits of her claim.

We review a district court’s decisions managing its own docket for abuse of discretion. *Young v. City of Palm Bay*, 358 F.3d 859, 863–64 (11th Cir. 2004). “District courts have unquestionable authority to control their own dockets” and are afforded “broad discretion in deciding how to best manage the cases before them.” *Smith v. Psychiatric Sols., Inc.*, 750 F.3d 1253, 1262 (11th Cir. 2014) (quotation omitted). We review *de novo* Bellamy’s constitutional due process claim. *Lapaix v. U.S. Att’y Gen.*, 605 F.3d 1138, 1143 (11th Cir. 2010).

First, Bellamy argues that the district court erred in considering C2’s second motion for summary judgment, as C2 filed it without leave of court. The Federal Rules of Civil Procedure do not prohibit multiple dispositive motions, *see* Fed. R. Civ. P. 16, 56, nor does our case law, *Fernandez v. Bankers Nat’l Life Ins. Co.*, 906 F.2d 559, 569 (11th Cir. 1990) (explaining that “[t]wo motions for

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summary judgment may be ruled upon in the same case,” particularly when discovery has been extended and the district court allows the second motion). Here, the district court’s scheduling order expressly invited the parties to file initial dispositive motions focused on the exhaustion issue, which C2 did and the district court denied. After additional discovery, C2 then filed its second motion for summary judgment on the full merits of Bellamy’s claim, which the district court granted. Nothing about this course of events suggests that the district court abused its broad discretion.

Second, Bellamy claims that she did not receive an opportunity to respond to C2’s second motion for summary judgment because the district court did not give her notice nor did it set a deadline for her to respond. The Federal Rules of Civil Procedure do not require a district court to give advance notice to parties before ruling on summary judgment. *See* Fed. R. Civ. P. 56(c). Rule 56(c) instead places the onus on the opposing party to respond within 21 days of the filing of a motion for summary judgment. *Id.*; *see also* Local Rule 56.1(C) of the Northern District of Florida (imposing a 21-day timeline to respond to motions for summary judgment). Here, the district court waited 34 days before ruling on C2’s second motion for summary judgment, or 13 additional days beyond Bellamy’s deadline, giving her plenty of time to respond. Thus, we affirm the district court’s decision to rule on C2’s second motion for summary judgment as within its discretion.

As a final preliminary matter, Bellamy argues that the district court denied her the right to be heard when it entered judgment without a hearing on the second motion for summary judgment, which denied her due process. It is “well settled in this circuit” that district courts are not required to hold a hearing before ruling on a motion for summary judgment. *Smith v. Sch. Bd. of Orange Cnty.*, 487 F.3d 1361, 1367 (11th Cir. 2007); *see Helmich v. Kennedy*, 796 F.2d 1441, 1443 (11th Cir. 1983). And more generally, the right to be heard in opposition to a summary judgment motion is principally vindicated through a party’s right to oppose the motion in writing, which Bellamy chose not to do. *See Moore v. State of Fla.*, 703 F.2d 516, 519 (11th Cir. 1983) (“If the adverse party is . . . afforded an opportunity to submit materials in opposition to the motion, then the party has been heard within the meaning of Rule 56.” (quotation omitted)); *Sun River Energy, Inc. v. Nelson*, 800 F.3d 1219, 1230 (10th Cir. 2015) (explaining that the “opportunity to be heard does not require an oral or evidentiary hearing on the issue; the opportunity to fully brief the issue is sufficient to satisfy due process requirements”). The district court thus did not err by not holding oral argument.

We turn now to Bellamy’s challenge to the merits of the district court’s grant of summary judgment. We review the district court’s grant of summary judgment *de novo*. *Ismael v. Roundtree*, 161 F.4th 752, 758 (11th Cir. 2025). Even when a summary judgment motion is entirely unopposed, a court still must consider the merits of the motion. Fed. R. Civ. P. 56(e); *see Dunlap v. Transamerica Occidental Life Ins. Co.*, 858 F.2d 629, 632 (11th Cir.

1988). Thus, we review the merits of C2’s motion to confirm that “there is no genuine dispute as to any material fact and [C2] is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). And we may affirm the district court’s grant of summary judgment on any adequate ground supported by the record. *Feliciano v. City of Miami Beach*, 707 F.3d 1244, 1251–52 (11th Cir. 2013).

Bellamy argues that the district court should not have granted C2’s motion for three reasons: (1) the record established a *prima facie* case of disability discrimination under the ADA; (2) the district court ignored material disputes of fact over the nature of her use of marijuana and CBD, as well as the allegedly pretextual basis for the rescinding of her offer; and (3) C2’s motion relied upon a perception that Bellamy was disabled, itself allegedly a violation of the ADA. C2 responds that the district court correctly concluded that C2 had an unrebutted, legitimate, non-discriminatory basis to rescind Bellamy’s job offer, correctly apprehended the evidence, and C2’s motion did not violate the ADA.

To prevail in an ADA discrimination claim, the plaintiff must prevail at each stage of a three-step burden-shifting analysis. *Earl v. Mervyns, Inc.*, 207 F.3d 1361, 1365 (11th Cir. 2000). The steps are: (1) the plaintiff must establish a *prima facie* case of discrimination by the defendant employer, (2) the employer must articulate a legitimate, non-discriminatory reason for the challenged employment action, and (3) the plaintiff must show that the employer’s stated reasons were a pretext for intentional discrimination. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802–

04 (1973). For an ADA discrimination claim, a successful *prima facie* showing under step one requires the plaintiff to establish that he (1) was disabled, (2) was a qualified individual, and (3) was subjected to unlawful discrimination because of disability. *Earl*, 207 F.3d at 1365.

We conclude that the record does not establish a *prima facie* case of discrimination by C2 because Bellamy was not a qualified individual.⁵ A qualified individual under the ADA is one who “satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and with, or without reasonable accommodation, can perform the essential functions of such position.” 29 C.F.R. § 1630.2(m). Here, C2’s policy was to prohibit employment of anyone who used illegal drugs, which federally includes marijuana, and in Florida includes marijuana use without a proper license. *See* 21 U.S.C. §§ 802, 812, & 844; Fla. Stat. § 381.986. Further, C2 was subject to the Drug Free Workplace Act, which prohibited the use of marijuana by employees of covered businesses. *See* Drug-Free Workplace Act, 41 U.S.C. §§ 8101–8106. In other words, not using illegal drugs, including marijuana, is one of C2’s job requirements.

The record undisputedly establishes that Bellamy was known to C2 to be an illegal user of marijuana. During her

⁵ Because a *prima facie* ADA discrimination claim requires all three elements described in *Earl*, and we determine Bellamy does not satisfy the second element, we need not address whether Bellamy was disabled or was subjected to unlawful discrimination because of disability. *See Earl*, 207 F.3d at 1365.

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interview process, Bellamy told C2 in writing that she used marijuana in the state of Florida without a license. And Bellamy did not establish any facts showing that she was not a marijuana user before C2 rescinded its offer, in large part because she failed to appear for the drug test she was scheduled to take. As such, Bellamy was not qualified for the job she was applying for because she did not satisfy C2's drug free hiring requirement, and thus she cannot establish a *prima facie* case of discrimination.

Bellamy argues in response that the district court disregarded certain evidence—including her “lawful CBD and medical marijuana evidence”—that would have counseled, and should so persuade us on appeal, to deny summary judgment to C2. We disagree. A “district court need not sua sponte review all of the evidentiary materials on file at the time the motion is granted but must ensure that the motion itself is supported by evidentiary materials.” *United States v. One Piece of Real Prop. Located at 5800 SW 74th Ave., Miami, Fla.*, 363 F.3d 1099, 1101 (11th Cir. 2004). The evidence Bellamy refers to was before the district court when it granted summary judgment, nothing in the record suggests that the district court ignored it, and all the district court had to do was draft an order “indicat[ing] that the merits of the motion were addressed,” which it did here. *Id.* at 1102. And in any event, the evidence Bellamy points to fails to rebut the evidence of her use of marijuana in violation of state and federal law, and C2's knowledge thereof at the time the offer was rescinded. Accordingly, we affirm the district court's grant of summary judgment in favor of C2.

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III. CONCLUSION

For the reasons stated above, the district court's judgment is affirmed.

AFFIRMED.