

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14412
Non-Argument Calendar

TARA M. BURGE,

Plaintiff-Appellant,

versus

SHERIFF OF MANATEE COUNTY, FLORIDA,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cv-02955-VMC-CPT

Before ABUDU, ANDERSON, and WILSON, Circuit Judges.

PER CURIAM:

Plaintiff-Appellant Tara M. Burge appeals the district court's order granting summary judgment to Defendant-Appellee Rick Wells, in his official capacity as Sheriff of Manatee County, Florida,

on her claims for sex discrimination brought under Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. § 2000e-2(a)(1), and for race discrimination and retaliation brought under 42 U.S.C. § 1983. After careful review, we affirm.¹

I.

We review a district court’s grant of summary judgment *de novo*. *Ismael v. Roundtree*, 161 F.4th 752, 758 (11th Cir. 2025). Summary judgment is appropriate “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.” Fed. R. Civ. P. 56(a). A genuine issue of material fact exists when the evidence is such that a reasonable jury could return a verdict for the nonmovant. *Ismael*, 161 F.4th at 758. All reasonable inferences must be drawn in favor of the nonmovant, but a “mere scintilla of evidence” cannot overcome a motion for summary judgment. *Id.*

II.

Title VII prohibits employment discrimination on the basis of several protected classifications, including sex. 42 U.S.C.

¹ Burge did not argue in her initial brief that the district court erred in denying summary judgment on her race discrimination and retaliation claims under § 1983. “Typically, issues not raised in the initial brief on appeal are deemed abandoned.” *United States v. Campbell*, 26 F.4th 860, 871 (11th Cir. 2022) (en banc). An appellant “abandons a claim when [s]he either makes only passing references to it or raises it in a perfunctory manner without supporting arguments and authority.” *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014). Thus, Burge has abandoned any challenge to the court’s grant of summary judgment on her § 1983 claims.

§ 2000e-2(a)(1). Title VII claims have commonly been analyzed under a burden-shifting analysis with three steps: (1) the plaintiff must establish a *prima facie* case of discrimination² by the 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 pretext for intentional discrimination. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802–04 (1973).

But we have held that “establishing the elements of the *McDonnell Douglas* framework is not, and never was intended to be, [necessary] for a plaintiff to survive [summary judgment] in an employment discrimination case.” *Smith v. Lockheed-Martin Corp.*, 644 F.3d 1321, 1328 (11th Cir. 2011). A triable issue of fact in an employment discrimination case exists if the record, viewed in a light most favorable to the plaintiff, presents “a convincing mosaic of circumstantial evidence that would allow a jury to infer intentional discrimination by the decisionmaker.” *Id.* (citation modified). A “convincing mosaic” may be shown by evidence that demonstrates, among other things, (1) suspicious timing, ambiguous statements, and other evidence from which an inference of discriminatory intent might be drawn, (2) systematically better treatment

² A plaintiff may establish a *prima facie* case “by showing: (i) the plaintiff is in a protected group; (ii) the plaintiff was well qualified; (iii) the plaintiff suffered an adverse employment action; and (iv) the plaintiff was treated less favorably than similarly situated employees outside of [her] protected group.” *Ismael v. Roundtree*, 161 F.4th 752, 759 (11th Cir. 2025).

of similarly situated employees, and (3) that the employer's justification is pretextual. *Lewis v. City of Union City*, 934 F.3d 1169, 1185 (11th Cir. 2019).

In *Ismael*, we held that “summary judgment should not be granted for failure to demonstrate pretext unless it also reflects a failure to put forward enough evidence for a jury to find for the plaintiff on the ultimate question of discrimination.” 161 F.4th at 763 (quotation marks omitted). We then held that, if the plaintiff establishes a *prima facie* case, and the defendant employer provides a legitimate, nondiscriminatory reason for the action, the *McDonnell Douglas* framework is no longer relevant, and the district court must proceed to the convincing mosaic inquiry. *Id.* at 764. Under that inquiry, pretext, or lack thereof, is relevant, but the plaintiff's inability to disprove the defendant's rationale cannot be the sole grounds for summary judgment. *Id.* Even if the district court only considered the plaintiff's failure to demonstrate pretext, it could be harmless error so long as the court still “considered all appropriate evidence.” *Id.* at 763. But such an error would not be harmless when the court “focused narrowly on the defendant's purported rationale and ignored other evidence probative of [the defendant's] illicit intent.” *Id.*

III.

Burge argues that the district court erred by failing to conduct a convincing mosaic inquiry, in violation of *Ismael*. She asserts that the court only considered circumstantial evidence about pre-

textual justification, and *Ismael* holds that plaintiffs may also survive summary judgment with other circumstantial evidence—under the convincing mosaic inquiry—that she presented.

Burge correctly notes that the district court should have reviewed her evidence under the *Ismael* convincing mosaic inquiry when it decided Sheriff Wells’ motion for summary judgment. But we need not remand because we may affirm a judgment “on any ground supported by the record, regardless of whether that ground was relied upon or even considered by the district court.” *Kernel Recs. Oy v. Mosley*, 694 F.3d 1294, 1309 (11th Cir. 2012). Ultimately, Burge’s claim cannot prevail even under the convincing mosaic standard.³

The overwhelming evidence shows that Burge had a prolonged relationship with Thomas Bradshaw, a convicted felon,

³ The district court also found that Burge failed to show an adverse employment action because she resigned from her position. Burge essentially argues that it was an involuntary resignation, but she has not shown that “her working conditions were so intolerable that a reasonable person in her position would be compelled to resign.” *Morgan v. Ford*, 6 F.3d 750, 755 (11th Cir. 1993) (per curiam) (citation modified). Here, Burge was presented with the options to resign and keep her benefits or to face the possibility of termination. We have found that “resignations can be voluntary even where the only alternative to resignation is facing possible termination for cause” because the employee still had a choice to resign or “stand pat and fight.” *Hargay v. City of Hallandale*, 57 F.3d 1560, 1568 (11th Cir. 1995) (per curiam) (quotation marks omitted). Thus, the district court correctly found that Burge’s resignation was voluntary and not an adverse employment action.

based on their communications with each other and that she accessed law enforcement databases without any ascertainable law enforcement purpose—both of which were in violation of Manatee County Sheriff Office (MCSO) policies for any employee regardless of sex.⁴ To support her argument that she has put forward a convincing mosaic of evidence, Burge claims that two similarly situated comparators, Major Thomas Porter and Sergeant Marvinna Johnson, also associated with convicted felons yet were treated better than her. Burge also points to the Florida Department of Law Enforcement (FDLE) investigation about why she separated from the MCSO, under which, she asserts, the FDLE found that there was insufficient evidence to prove a moral character violation.

“Although comparator evidence may be considered despite some factual differences, and weight is generally for the jury, it must still support a reasonable inference of discriminatory intent.” *Williams v. Bd. of Regents of Univ. Sys. of Ga.*, No. 23-12878, -- F.4th --, 2026 WL 2617822, at *7 (11th Cir. Sept. 4, 2026). Here, the comparator evidence does not support an inference of sex-based discrimination. None of the comparators combined unauthorized use of law enforcement databases, a relationship with a convicted felon, and had civilian complaints related to that relationship in the same way. Major Porter did not associate with a convicted felon

⁴ Burge started working for the Manatee County Sheriff Office in 2013, and she worked as a detective investigating crimes against children when she resigned.

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and there was no record that he provided anyone with unauthorized information from law enforcement databases. Major Porter also had no one complain about the alleged association between him and the alleged convicted felon, unlike Burge, where Bradshaw's girlfriend made a complaint about Burge and Bradshaw's relationship. While Sergeant Johnson⁵ engaged in similar conduct, that conduct was over a decade before Sheriff Wells, Burge's supervisor, assumed his position.

Burge is also incorrect in her assertion that the FDLE found that there was insufficient evidence to prove a moral character violation. Instead, the record shows that the FDLE dismissed the case "to rectify the errors made" based on the belief that Burge's case "was completely deleted by someone within" the FDLE. Thus, the district court did not err in granting summary judgment to Sheriff Wells because Burge failed to put forward evidence of a convincing mosaic of circumstantial evidence from which a reasonable jury could infer sex discrimination in this record.

AFFIRMED.

⁵ Sergeant Johnson is a woman, so she is not outside Burge's protected group.