

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 18-2564

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Tab Quentin Evans

*Plaintiff - Appellant*

v.

Blanton Construction Co.; St. Louis Carpenters District Council; St. Louis C.J.A.P., Carpenters Joint Apprenticeship Program; U.B.C. -International, United Brotherhood of Carpenters; D.O.L.-E.T.A., Employment and Training Administration; D.O.L.-B.A.T.-St. Louis, Bureau of Apprenticeship & Training; D.O.L.-O.A., Office of Apprenticeship; St. Louis D.O.L.

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Missouri - Eastern Division

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Submitted: May 2, 2019

Filed: May 17, 2019

[Unpublished]

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Before ERICKSON, BOWMAN, and GRASZ, Circuit Judges.

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PER CURIAM.

In this action involving claims of employment discrimination and retaliation, Tab Evans appeals after the district court<sup>1</sup> dismissed his complaint under Federal Rule of Civil Procedure 12(b)(6). Upon careful de novo review, we conclude the dismissal was proper, as we agree with the district court that Evans's factual allegations did not plausibly give rise to an inference of unlawful discrimination or retaliation. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009) (complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face; conclusory allegations are not entitled to be assumed true); *Pye v. Nu Aire, Inc.*, 641 F.3d 1011, 1019 (8th Cir. 2011) (to establish a prima facie case of discrimination, plaintiff must show, inter alia, circumstances that give rise to an inference of discrimination); *Wilkie v. Dep't of Health & Human Servs.*, 638 F.3d 944, 955 (8th Cir. 2011) (to establish a prima facie case of Title VII retaliation, plaintiff must show, inter alia, that a materially adverse action was causally linked to protected conduct); *see also Kelly v. City of Omaha*, 813 F.3d 1070, 1075 (8th Cir. 2016) (grant of Fed. R. Civ. P. 12(b)(6) motion is reviewed de novo). Accordingly, we affirm the judgment. *See* 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Shirley Padmore Mensah, United States Magistrate Judge for the Eastern District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).