

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

MARC HODGE,)	
)	
Plaintiff,)	
)	
v.)	Case No.:
)	
ILLINOIS DEPARTMENT OF)	
CORRECTIONS,)	
)	
Defendant.)	JURY TRIAL REQUESTED

COMPLAINT

COMES NOW Plaintiff Marc Hodge, by and through his attorneys, and for his Complaint against Defendant Illinois Department of Corrections (“Defendant IDOC”), states as follows:

Introduction

1. This matter arises under Title VII of the Civil Rights Act as amended, 42 U.S.C. § 2000 *et. seq.* (Title VII). Plaintiff works as an Internal Security Investigator II for Defendant IDOC. During Plaintiff’s employment, Defendant IDOC subjected Plaintiff to discrimination based upon his race and retaliation for Plaintiff’s complaints of discrimination.

Jurisdiction and Venue

2. Plaintiff invokes this Court’s jurisdiction under 28 U.S.C. § 1331 and 1343(a) and 42 U.S.C. § 2000e-5 to hear and decide claims under federal law.

3. Venue is proper in this Court pursuant to 28 U.S.C § 1391(b)(1) and 42 U.S.C. § 2000e-5(f)(1)(B)(3) because all events giving rise to this action occurred within the Southern District of Illinois.

4. On October 30, 2024, Plaintiff filed a charge of discrimination against Defendant IDOC with the Equal Employment Opportunity Commission (EEOC), alleging race discrimination and retaliation in violation of Title VII.

5. On April 14, 2025, Plaintiff received a notice of Right to Sue for his charge of discrimination from the EEOC. See Exhibit 1 attached hereto.

6. Plaintiff has filed this lawsuit within 90 days of receiving the Right to Sue.

7. This action is timely filed. Plaintiff has complied fully with the administrative exhaustion requirements of Title VII.

Parties

8. Plaintiff Marc Hodge is an African American male citizen and resides in Harrisburg, Illinois.

9. Defendant IDOC is an Illinois State Agency created pursuant to the Unified Code of Correction, 730 ILCS 5 (2021) for the purpose of accepting into its care persons committed to it by Illinois State Courts due to actions in violation of Illinois Criminal Statutes for care, custody, treatment, and rehabilitation. Defendant IDOC has the capacity to sue and be sued.

10. All facts giving rise to this cause of action occurred in or about Marion, Illinois.

Statement of Facts Common to All Counts

5. Plaintiff Marc Hodge is an African American, male citizen.

6. Plaintiff has worked as an Internal Security Investigator II for the Illinois Department of Corrections from about November 1994 to the present.

7. Chief Edward Escamilla is Plaintiff's direct supervisor.

8. During his employment with Defendant IDOC, Plaintiff has performed his job duties and responsibilities in a satisfactory manner.

9. During his employment, Plaintiff applied for multiple promotions and other positions.

10. Defendant IDOC failed to hire or promote Plaintiff to any of the positions he applied for.

11. In or about May 2024, Plaintiff applied and interviewed for a Deputy Commander position, which would also report to his supervisor Chief Escamilla.

12. Defendant IDOC failed to hire Plaintiff for the position.

13. Defendant IDOC chose a Caucasian employee for the Deputy Commander Position. When that employee left, Defendant IDOC offered the position to another Caucasian employee.

14. On information and belief, Defendant IDOC hired less qualified candidates for the position.

15. On information and belief, the employees selected did not engage in protected activity reporting race discrimination by IDOC.

16. On multiple occasions between 2022 and 2025, Plaintiff requested a temporary assignment (TA) to learn other positions.

17. Defendant IDOC failed to allow Plaintiff to take on a TA for positions he requested.

18. Defendant IDOC allowed Caucasian employees to be in TA positions and often gave them promotions into those positions.

19. In or about June 2024, Plaintiff applied for a TA for an Investigative Coordinator position that was available. Plaintiff had previously performed the duties and responsibilities of the position.

20. Defendant IDOC selected a Caucasian employee with prior performance issues for the TA of the position.

21. In 2024, Defendant IDOC posted an available position for Investigative Coordinator. There were two openings for the position.

22. Plaintiff applied for the position.

23. Plaintiff heard rumors that two Caucasian employees would be receiving the position and so withdrew his application.

24. On information and belief, Defendant IDOC offered the positions to two Caucasians. One refused the offer, while the other accepted.

25. Defendant IDOC then offered the position to a candidate outside of the department.

26. On information and belief, chiefs within IDOC usually do not get involved with interviews.

27. Chief Escamilla became involved and prevented Plaintiff from receiving the positions he applied for.

28. Plaintiff was more qualified for the positions he applied for than the Caucasian employees who received the positions.

29. Defendant IDOC claimed that Plaintiff did not score high enough in interviews, but Defendant IDOC asked Plaintiff to interview candidates for other positions in the department.

30. On one or more occasions, Defendant IDOC denied Plaintiff a promotion or a position, then instructed him to train the Caucasian employee who received the promotion or position.

31. Multiple other Black employees have been denied positions or promotions.

32. Defendant IDOC has a pattern and practice of hiring and/or promoting Caucasian employees into positions and TA positions instead of Black employees.

33. Plaintiff previously filed a complaint of discrimination against Defendant IDOC in or about 2018.

11. In or about January 2024, Plaintiff made a complaint with the Occupational Safety and Health Administration (OSHA) about unsafe vehicles and expired bullet proof vests in his division.

34. In or about April 2024, the rest of Plaintiff's division received new bullet proof vests, except for Plaintiff.

35. On one or more occasions during Plaintiff's employment, Chief Escamilla has interfered with and changed his investigation conclusions.

36. On one occasion, a deputy director was found to be in violation of policy. Chief Escamilla altered Plaintiff's conclusions in the report.

COUNT I
Race Discrimination in Violation of Title VII

37. Plaintiff incorporates by reference the allegations contained in the previous paragraphs as if fully set forth herein.

38. During his employment, Plaintiff applied for multiple promotions and other positions.

39. Defendant IDOC failed to hire Plaintiff for any of the positions he applied for.

40. Plaintiff was more qualified for the positions he applied for than the Caucasian employees who received the positions.

41. Plaintiff requested a temporary assignment (TA) to learn other positions.

42. Defendant IDOC failed to allow Plaintiff to take on a TA for positions he requested.

43. Multiple other Black employees have been denied positions or promotions.

44. In or about April 2024, the rest of Plaintiff's division received new bullet proof vests, except for Plaintiff.

45. On one or more occasions during Plaintiff's employment, Chief Escamilla has interfered with and changed his investigation conclusions.

46. Plaintiff's race was a motivating factor in Defendant IDOC's actions against him.

47. Defendant IDOC's actions constituted race discrimination against Plaintiff, in violation of Title VII, 42 U.S.C. § 2000.

48. Defendant IDOC's actions have caused Plaintiff to suffer lost compensation and benefits of employment, emotional distress, and attorney's fees.

COUNT II
Retaliation in Violation of Title VII

49. Plaintiff incorporates by reference the allegations contained in the previous paragraphs as if fully set forth herein.

50. In or about 2018, Plaintiff filed a complaint of race discrimination against Defendant IDOC.

51. In or about 2023, Plaintiff complained to Chief Escamilla that the department was not advancing minority males within the department, contrary to the state DEI program goals.

52. Plaintiff's complaints constituted protected activity.

53. During his employment, Plaintiff applied for multiple promotions and other positions.

54. Defendant IDOC failed to hire Plaintiff for any of the positions he applied for.

55. Plaintiff was more qualified for the positions he applied for than the employees who received the positions.

56. In or about April 2024, the rest of Plaintiff's division received new bullet proof vests, except for Plaintiff.

57. During his employment, Plaintiff applied for multiple promotions and other positions.

58. Defendant IDOC failed to hire Plaintiff for any of the positions.

59. Plaintiff requested a temporary assignment (TA) to learn other positions.

60. Defendant IDOC failed to allow Plaintiff to take on a TA for positions he requested.

61. Plaintiff was more qualified for the positions he applied for than the employees who received the positions.

62. On one or more occasions during Plaintiff's employment, Chief Escamilla interfered with and/or changed Plaintiff's investigation conclusions.

63. On one occasion, a deputy director was found to be in violation of policy. Chief Escamilla altered Plaintiff's conclusions in the report.

64. Plaintiff's complaints of discrimination were a motivating factor in Defendant IDOC's retaliatory actions against him.

65. Defendant IDOC's actions constituted retaliation against Plaintiff due to protected activity, in violation of Title VII, 42 U.S.C. § 2000.

66. Defendant IDOC's actions have caused Plaintiff to suffer lost compensation and benefits of employment, emotional distress, and attorney's fees.

Conclusion

67. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendant IDOC for his claims of race discrimination and retaliation, awarding lost wages and benefits, front wages, emotional distress damages, compensatory damages, punitive

damages, pre- and post-judgement interest, attorney's fees and costs, and any other relief this Court deems may be just and proper.

Jury Demand

68. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by jury on all issues triable by a jury.

Respectfully Submitted,

Kennedy Hunt Law, P. C.

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