

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

ELISABETH SHIPPEN,)	
)	
Plaintiff,)	
)	CAUSE NO. 2:05-CV-231 PS
v.)	
)	
THE BUCK STOP,)	
)	
Defendant.)	

OPINION AND ORDER

Elisabeth Shippen, a *pro se* plaintiff, submitted an age discrimination complaint and a request for leave to proceed *in forma pauperis*. (See [Docs. 1 &2].) Under the Age Discrimination in Employment Act (“ADEA”), a plaintiff is required to bring suit within 90 days of receipt of a Notice of Right to Sue from the EEOC. See *Houston v. Sidley & Austin*, 185 F.3d 837, 838-39 (7th Cir. 1999). The 90 day period commences when a plaintiff receives “actual notice” of her right to sue. *Id.* at 839 (citations omitted). The 90 day requirement has been strictly applied by the Seventh Circuit. See *Fleming v. Alcoa Bldg. Prods.*, 820 F. Supp. 1113, 1116 (N.D. Ind. 1992).

Shippen’s Right to Sue letter was issued on April 16, 2004, (see Compl. at 5), and she filed this complaint well over a year later on June 8, 2005. Since it appears that the complaint is time barred, Shippen’s request for leave to proceed *in forma pauperis* [Doc. 2] is **DENIED** because the complaint is legally frivolous.

Nevertheless, if Shippen wishes to proceed with this suit, she may pay the full \$250.00 filing

fee to the clerk of this Court. Shippen is **CAUTIONED** that if she does not pay the filing fee on or before July 11, 2005, that this case will be dismissed without further notice.

SO ORDERED.

ENTERED: June 9, 2005

s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT