UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY CENTRAL DIVISION at LEXINGTON

JUSTIN LEE MUNION,)
Plaintiff,)
) Civil Case No.
V.) 16-CV-105-JMH
)
TOYOTA MOTOR MANUFACTURING)
KENTUCKY and KELLY SERVICES,) MEMORANDUM OPINION & ORDER
)
Defendants.)
)
	L. L. L.

Defendant has filed a Response to this Court's July 28, 2016, Order requiring him to show cause [DE 30, 34] why Plaintiff's claims for failure to hire, retaliation, and filing a false police report against Defendant Kelly Services should not be dismissed. Plaintiff raises no argument with respect to the dismissal of his claims for failure to hire or retaliation. With respect to his claim that Kelly Services, Inc., harmed him by filing a false police report, he posits that this Court has jurisdiction over the claim because he did raise this matter before the EEOC in his intake questionnaire, which he has now provided to the Court as an exhibit to his response. Nonetheless, such a claim - as a standalone matter - was not pursued through the process available to him via the EEOC and did not appear in the Notice of Charge of Discrimination. Perhaps this is because it would not qualify, alone, as the

Title VII discrimination claim basis of a suitable investigation by the EEOC. Clearly, Plaintiff Munion was upset by the call to police indicating that he might be suicidal, but the Court surmises that he did not persuade the EEOC upon intake that he could properly pursue some sort of variant malicious prosecution claim or a claim for misuse of public resources based upon it under Title VII. As the matter presented to this Court, the undersigned is concerned only with whether Munion satisfied the administrative requirement filing a charge which included it so that he might ask this Court for relief on that issue under Title VII. It was not included in the Charge, and dismissal of this claim appropriate.

For all of the reasons stated in the Court's earlier order dismissing these claims against Toyota Motor Manufacturing Kentucky [DE 30] and as stated above, Plaintiff's claims for failure to hire, retaliation, and filing a false police report against Defendant Kelly Services are **DISMISSED**.

IT IS SO ORDERED.

This the 8th day of August, 2016.



Signed By:

<u>Joseph M. Hood</u>

Senior U.S. District Judge