

United States Court of Appeals
For the Eighth Circuit

No. 16-1470

Emanuel L. Swinton

Plaintiff - Appellant

v.

Hansens Truck Salvage Inc.; U-Pick-It

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: October 20, 2016
Filed: November 7, 2016
[Unpublished]

Before LOKEN, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Emanuel Swinton appeals the district court's¹ adverse grant of summary judgment in his pro se Title VII employment-discrimination action against his former

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.

employer. We review de novo, see Spears v. Missouri Dep't of Corr. & Human Res., 210 F.3d 850, 853 (8th Cir. 2000), and we agree with the district court that Swinton's claims of race-based discriminatory discharge and retaliation are time-barred because he filed his lawsuit over seven months late. See 42 U.S.C. § 2000e-5(f)(1); Baldwin Cty. Welcome Ctr. v. Brown, 466 U.S. 147, 149 (1984) (per curiam) (Title VII plaintiff must file suit within 90 days of receiving right-to-sue letter from the Equal Employment Opportunity Commission). Contrary to Swinton's assertion, the 90-day filing window applies equally to claims of race-based retaliation.

Accordingly, we affirm. See 8th Cir. R. 47B.
