

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

JODENE LARUE,

Plaintiff,

VS.

DENSO MANUFACTURING  
ARKANSAS INC.

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

NO: 3:08CV00157 JMM

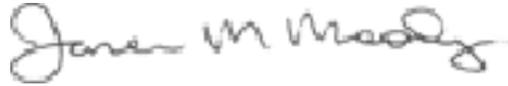
**Order**

Plaintiff Jodene LaRue commenced this Title VII employment discrimination action *pro se*. She claims defendant discriminated against her by failing to employ her and retaliating against her. Along with her complaint, plaintiff filed an application to proceed *in forma pauperis* and a motion for appointment of counsel.

The Eighth Circuit has instructed that the decision of whether a complaint is frivolous or malicious precedes the decision of whether to grant *in forma pauperis* status and whether to order service of process. *See Carney v. Houston* 33 F.3d 893, 895 (8<sup>th</sup> Cir. 1994)(quoting *Gentile v. Missouri Dept. Of Corrections*, 986 F.2d 214 (8<sup>th</sup> Cir. 1993)). “If the complaint is frivolous or malicious, the district court should dismiss it out of hand.” *Id.* A complaint is frivolous where it lacks an arguable basis either in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325-27 (1989). Plaintiff states no facts in support of her allegations. She merely says: “Retaliation, Age Discrimination, Verbal abuse, sexual abuse and denso did not employ me.” Compl., ¶ 9. Therefore, the Court will dismiss plaintiff’s complaint unless she amends her

complaint to specify the facts upon which her claims are based. Plaintiff must file an amended complaint within thirty (30) days of the date of this Order. Failure to do so will result in dismissal of the complaint.

SO ORDERED this 25th day of September 2008.

A handwritten signature in black ink, appearing to read "Jane M. Moody". The signature is written in a cursive, flowing style.

UNITED STATES DISTRICT JUDGE