

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

TYRONE LEE FUTRELL, SR.

PLAINTIFF

V.

No. 3:13cv141-JM

ARKANSAS NORTHEASTERN COLLEGE

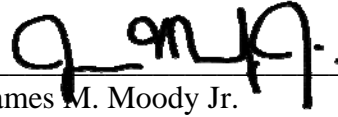
DEFENDANT

ORDER

Plaintiff filed a pro se complaint against the Arkansas Northeastern College on May 31, 2013, pursuant to Title VII of the Civil Rights Act of 1964. Plaintiff alleges that the college failed to employ him based on his race and color. Specifically, Plaintiff alleges that a black employee of the college told him that a white person had been hired for the position that he had applied for and also that there were several black people that applied for another position that was awarded to a white person.

Even a pro se complaint must allege “sufficient facts to support the claims advanced.” *Stone v. Harry*, 364 F.3d 912, 914 (8th Cir. 2004). Here, Plaintiff’s complaint fails for two reasons. First, Plaintiff does not allege that he filed charges with the EEOC before filing his complaint with the Court. Under Title VII, the administrative procedure must be exhausted before a federal lawsuit may be filed. *Williams v. Little Rock Mun. Water Works*, 21 F.3d 218, 222 (8th Cir. 1994). Second, Plaintiff’s complaint fails to state a claim for discrimination in that it does not allege that he was qualified for the position for which he applied or that he was treated differently than similarly-situated applicants who were not members of his protected class. While the complaint recites that defendant failed to employ or promote him because of his race and color, the few facts alleged do not support this conclusory allegation. Therefore, the college’s motion to dismiss [Docket No. 13] is granted.

IT IS SO ORDERED this 13th day of August, 2014.

A handwritten signature in black ink, appearing to read "J. Moody Jr.", written over a horizontal line.

James M. Moody Jr.
United States District Judge