

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

LAURA L. LUCKADUE

PLAINTIFF

V.

4:11CV00599 JMM

THE LEADER NEWSPAPER INC.

DEFENDANT

ORDER

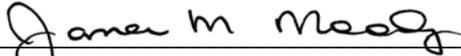
Pending before this Court is the Plaintiff's Motion to Proceed *In Forma Pauperis*, Motion to Appoint Counsel, and Complaint. The Eighth Circuit has instructed that the decision of whether a complaint is frivolous or malicious precedes the decision of whether to grant *in forma pauperis* status and whether to order service of process. *See Carney v. Houston* 33 F.3d 893, 895 (8th Cir. 1994)(quoting *Gentile v. Missouri Dept. Of Corrections*, 986 F.2d 214 (8th 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).

In this case, Plaintiff names her former employer, The Leader Newspaper Inc., as the Defendant. Plaintiff alleges that the Defendant violated her rights under Title VII of the Civil Rights Act of 1964 which prohibits discrimination by employers on the basis of race, color, sex, religion, or national origin. Plaintiff has filed a lengthy narrative of alleged facts related to her employment with the Defendant. However, Plaintiff has failed to provide facts which state a claim for employment discrimination in violation of Title VII. Therefore, the Court will dismiss Plaintiff's Complaint unless she can amend her Complaint to specify facts which state a claim for violation of Title VII. The Court notes that in order to establish a *prima facie* case of

discrimination under Title VII, a plaintiff must show that (1) that she is a member of a protected class, (2) that she was qualified for her job, (3) that there was an adverse employment action taken against her by the Defendant, and (4) that some evidence supports the inference of improper motivation. *Hannoon v. Fawn Engineering Corp.*, 324 F.3d 1041 (8th Cir.2003).

Plaintiff must file an Amended Complaint on or before August 25, 2011. Failure to do so will result in dismissal of the Complaint.

IT SO ORDERED this 9th day of August, 2011.


UNITED STATES DISTRICT JUDGE