


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

2007 APR -5 PM 5:20

CLERK
S.D. OF GA.


RICHARD CLEVELAND YOUNG,)
)
Plaintiff,)
)
v.)
)
JCB, INC.,)
)
Defendant.)

Case No. CV407-043

ORDER

Plaintiff seeks leave to proceed without prepayment of a filing fee under Section 706(f) of the Civil Rights Act of 1964.

The Court will grant leave to proceed *in forma pauperis* if the plaintiff demonstrates that he cannot, because of poverty, afford to pay the costs of litigation and still provide for himself and any dependents. 28 U.S.C. § 1915. While a plaintiff need not be absolutely destitute in order to proceed *in forma pauperis*, Adkins v. E.I. Dupont de Nemours, 335 U.S. 331, 339 (1948), the fact that financing his own litigation may cause some difficulty is not sufficient to relieve a plaintiff of his obligation to pay his own way where it is possible for him to do so without undue hardship.

According to plaintiff's application, he has been unemployed since January 6, 2007 and is presently receiving income only from family and the government, totaling \$9,160.00. Plaintiff has numerous debts, including \$77,033.00 in mortgages and \$19,412.30 in medical expenses. Plaintiff has \$19.79 in his bank account. It appears to the Court that plaintiff is unable to pay the filing fee, and his motion to proceed *in forma pauperis* is therefore GRANTED.

Necessity of a Formal Complaint

A Title VII action must be filed within 90 days of the receipt of the EEOC's right-to-sue letter. 42 U.S.C. § 2000e-5(f)(1); Stallworth v. Wells Fargo Armored Serv. Corp., 936 F.2d 522, 524 (11th Cir. 1991). An application for an attorney or to proceed without prepayment of the filing fee will generally toll the limitations for a reasonable time. Judkins v. Beech Aircraft Corp., 745 F.2d 1330, 1332 (11th Cir. 1984); Dixon v. Veterans Administration, 848 F.2d 189 (6th Cir. 1988) (unpublished opinion, available on Westlaw); Harris v. Walgreen's Distribution Center, 456 F.2d 588, 592 (6th Cir. 1972); see also Baldwin County Welcome Center v. Brown, 466 U.S. 147, 151 (1984) (per curiam). Plaintiff states

that he received his right-to-sue letter on September 29, 2006. Plaintiff shall therefore submit a formal complaint within 30 days of this order.

This complaint shall contain (1) a short and plain statement of the claim showing that plaintiff is entitled to relief; and (2) a demand for judgment for the relief that plaintiff seeks in this action. Fed. R. Civ. P. 8(a). Plaintiff's complaint shall contain a caption setting forth (1) the name of the Court; (2) the names of all parties to the action; (3) the file number; and (4) a designation of the pleading as a "Complaint." Fed. R. Civ. P. 10(a). In addition, plaintiff's complaint shall set forth a brief statement of the facts of his case, including the names of the individuals involved, the actions or conduct engaged in by these individuals, and specific designations of when and where these events occurred. The statements of fact shall be made in numbered paragraphs, the contents of which shall be limited as far as practicable to a statement of a single set of circumstances. Fed. R. Civ. P. 10(b). Attached to this order is a sample complaint form which plaintiff may use to set forth his claims to submit to this Court.

Upon the timely receipt of the formal complaint the Court will then issue certain basic instructions to plaintiff. The Clerk is DIRECTED to

notify the Court of the receipt of the complaint. Plaintiff's failure to submit the formal complaint within 30 days of this order may result in the loss of his right to pursue this action in federal court.

SO ORDERED this 5th day of April, 2007.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
_____ DIVISION

_____,)
Plaintiff,)
v.) Case No. CV _____
_____,)
Defendant.)

TITLE VII COMPLAINT

1. Plaintiff resides at: _____
(Street)

(City) (State) (Zip Code)

2. Defendant's name: _____

Location of defendant's principal office:

Nature of defendant's business:

Approximate number of individuals employed by defendant: _____

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the court by 42 U.S.C. § 2000e-5. Equitable and other relief are also brought under 42 U.S.C. § 2000e-5(g). Where employment discrimination based upon age is alleged, jurisdiction is conferred by 29 U.S.C. §§ 626(c)(1) and 626(e) and appropriate relief is also sought.

4. I **have** filed a charge with the Equal Employment Opportunity Commission (EEOC) regarding defendant.
(Attach a copy of the charge(s) filed with the EEOC to this complaint.)

I **have not** filed a charge with the EEOC.

5. I **have** received a Notice of Right to Sue letter from the EEOC on _____.
(date)
(Attach of copy of the Notice of Right to Sue letter to this complaint.)

I **have not** received a Notice of Right to Sue letter from the EEOC.

6. The acts complained of in this suit concern:

Failure to hire me

Termination of my employment

Failure to promote me

Demotion

Denial of equal pay or work

Sexual harassment

General harassment

Other (specify) _____

7. Plaintiff

is presently employed by defendant

is not presently employed by defendant

The dates of plaintiff's employment were _____.

The reason(s) for the end of plaintiff's employment by defendant is/are:

Plaintiff was discharged.

Plaintiff was laid off.

Plaintiff left the job voluntarily.

8. The conduct of defendant is discriminatory with respect to:

my race

my national origin

my religion

my age

my sex

9. The name, race, sex, and position or title of the individual(s) who allegedly discriminated against me during my period of employment with the defendant company is/are:

Name

Title

Race

Sex

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

10. Describe the discriminatory actions or events that you are complaining of in this lawsuit.
Give factual detail, including names and dates concerning what happened.

You do not need to refer to any statutes or cite law.

11. The alleged illegal activity took place at:

_____ *(Street)*

_____ *(City)* _____ *(State)* _____ *(Zip Code)*

12. State what relief you are seeking from the Court. If you are seeking monetary award (back pay or damages), state the amount you are seeking. If you are seeking injunctive relief (an order by the Court) issued against defendant, summarize what should be in the order.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Date

Signature of Plaintiff

Plaintiff's Address: _____
(Street)

(City) (State) (Zip Code)