

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LAWANDA WESTERN,)	
)	
Plaintiff,)	
)	
v.)	No. 10 C 374
)	
UNITED PARCEL SERVICE, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

On January 25, 2010 this Court issued a brief memorandum order ("Order") that identified, for pro se plaintiff LaWanda Western ("Western"), some problems with her self-prepared Complaint of Employment Discrimination and her accompanying In Forma Pauperis Application ("Application") and Motion for Appointment of Counsel ("Motion"). Because of a question that had been posed by the Application as to Western's claimed inability to pay the filing fee, the Order required that on or before February 5 Western had to furnish additional information on that score.

Now February 5 has come and gone without the necessary added input (or the prepayment of the filing fee) by Western. That being so, both her Complaint and this action are dismissed, causing both the Application and the Motion to be denied as moot. Although such dismissal is ordered to be without prejudice, Western's claim would be barred in real-world terms because of the legal requirement that an employment discrimination action

such as this one must be filed within 90 days after receipt of EEOC's right-to-sue letter. Accordingly, in the interest of giving Western one further opportunity to demonstrate an entitlement to in forma pauperis status, this Court announces that if Western were to file a motion for reconsideration (plus the missing information) within the 28-day time frame permitted by Fed. R. Civ. P. 59(e) (that is, on or before March 8, 2010), this Court would still consider her action as having been filed on its original submission date of January 19, 2010.



Milton I. Shadur
Senior United States District Judge

Date: February 8, 2010