

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

CIVIL ACTION NO. 3:13-C V-636-H

GARY B. ROBINSON, SR.

PLAINTIFF

V.

KENTUCKY COMMISSION ON HUMAN  
RIGHTS and EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

DEFENDANTS

**MEMORANDUM OPINION AND ORDER**

Plaintiff, Gary B. Robinson, Sr., has filed suit against the Kentucky Commission on Human Rights and the Equal Employment Opportunity Commission, alleging that they either failed to enforce or improperly handled his employment discrimination claim in the year 2007. Defendants have moved to dismiss on grounds that will become quite clear.

Plaintiff did file an EEOC complaint in 2007 which Defendants investigated and denied. Plaintiff administratively appealed that denial. Defendants denied the appeal, from which Plaintiff had ninety (90) days to file a complaint in federal court. Instead, he waited some five (5) years to file this complaint.

To the extent Plaintiff has attempted to appeal the denial of his EEOC claim, that appeal is time-barred. *See Cataldo v. United States Steel Corporation*, 676 F.3d 542, 547 (6th Cir. 2009). To the extent Plaintiff attempts to assert new claims here for improper investigation or handling of his complaint, the Court doubts that such a cause is actionable under these circumstances. *See Gillis v. United States Dep't of Health and Human Servs.*, 759 F.2d 565, 574 (6th Cir. 1985). In any event, such a claim, if it could exist, is clearly time-barred also.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Defendants' motion to dismiss is SUSTAINED and Plaintiff's complaint is DISMISSED WITH PREJUDICE.

This is a final and appealable order.

October 21, 2013

Handwritten signature of John G. Heyburn II in black ink, written over a circular seal of the United States District Court.

**John G. Heyburn II, Judge  
United States District Court**

cc: Gary B. Robinson, Sr., *Pro Se*  
Counsel of Record