

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

CYNTHIA WILLIAMS

v.

U.S. DEPT. OF VETERANS AFFAIRS, ET AL\*

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Civil No. – JFM-16-2338

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FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

**MEMORANDUM**

Plaintiff has brought this *pro se* action under Title VII, the Americans with Disabilities Act, and the Rehabilitation Act. Defendants have filed a motion to dismiss or for summary judgment. Plaintiff has responded to the motion. The motion will be granted.

Plaintiff concedes that she did not file this action within 90 days of receipt of the Final Agency Decision terminating her employment. Plaintiff picked up the FAD on March 24, 2016, and this action was not filed until, at the earliest, June 23, 2016, 91 days later.<sup>1</sup> Moreover, the Final Agency Decision was issued on March 3, 2016, and the U.S. Postal Service left a notice of delivery of the Final Agency Decision on March 7, 2016.

Courts strictly enforce the 90 day filing requirement, even if the plaintiff is *pro se*. *Shelton v. Atlantic Bingo Supply Co.*, Civil Action No. DKC-11-0952, 2011 WL 4985277, at \*2 (D. Md. 2011); *Harvey v. New Bern Police Dep't*, 813 F.2d 652, 654 (4th Cir. 1987). The equitable tolling doctrine does not apply. *See Irwin v. Dep't of Veterans Affairs*, 498 U.S. 89, 96

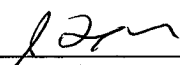
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<sup>1</sup>It was not entirely clear when plaintiff filed her action. The June 23, 2016 date is the date stamped by the Clerk's Office. However, plaintiff appears to allege that she presented her complaint to the Clerk's Office on June 24 or June 25, 2016.

(1990). Moreover, plaintiff, has not established that she acted with "due diligence" but only concentrates upon the final hours of her late filing.<sup>2</sup>

A separate order granting defendants' motion is being entered herewith.

Date: 1/31/71

  
\_\_\_\_\_  
J. Frederick Motz  
United States District Judge

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<sup>2</sup> Defendants also assert that plaintiff has failed to state a claim upon which relief can be granted even assuming that her action was timely filed. I need not reach defendants' contention in that regard.