

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CALVIN E. JONES

:

v.

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CIVIL NO. CCB-16-4110

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ENOCH PRATT FREE LIBRARY

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MEMORANDUM

Calvin E. Jones, representing himself, filed suit in this court on December 28, 2016 alleging various claims against the Enoch Pratt Free Library arising out of the termination of his employment in February 2011. The Library filed a motion to dismiss, which has been fully briefed and will be granted for the reasons stated below.

First, it is evident on the face of the complaint that Mr. Jones's claims are barred by the applicable statutes of limitations. The limitations periods are three years for a § 1983 due process constitutional claim, *see Jersey Heights Neighborhood Ass'n v. Glendening*, 174 F.3d 180, 187 (4th Cir. 1999), four years for a § 1981 race discrimination claim, *see Jones v. R. R. Donnelley & Sons*, 541 U.S. 369, 383-84 (2004), and two to three years for an FLSA claim, *see* 29 U.S.C. § 255(a). Second, any claim under Title VII for racial discrimination or retaliation is barred by Mr. Jones's failure to exhaust administrative remedies. *See* 42 U.S.C. § 2000e-5(b), (f)(1); *Bryant v. Bell Atl. Md., Inc.*, 288 F.3d 124, 132 (4th Cir. 2002). Finally, while Mr. Jones may have been pursuing various grievances since 2011, he has shown no basis for equitable tolling of any limitations period; there is simply no evidence of any conduct by the Library that would support such tolling. *See, e.g., Olson v. Mobil Oil Corp.*, 904 F.2d 198, 201 (4th Cir. 1990) ("Equitable tolling . . . applies only when . . . the employer wrongfully deceived or misled the plaintiff in order to conceal the existence of a cause of action.") (internal citations omitted).

In summary, given the number of years that have passed since Mr. Jones's employment was terminated, and his failure to obtain a right-to-sue letter from the EEOC, his claims may not be brought in this court. The complaint will be dismissed by a separate Order, which follows.

March 10, 2017

Date

/S/

Catherine C. Blake

United States District Judge