

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SIMON PHILLIPS III,

Plaintiff,

Case No. 12-14192
HON. GEORGE CARAM STEEH

v.

UAW UNION AFGE AFL-CIO,
and MAX BRYANT, PRESIDENT
OF AFGE UNION,

Defendants.

_____/

ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED IN FORMA
PAUPERIS [#2] AND DISMISSING COMPLAINT [#1]
PURSUANT TO 28 U.S.C. §1915(e)(2)(B)(ii)

Plaintiff, proceeding *pro se*, has filed suit against the union and its president claiming they failed to represent him during the termination of his employment with the Veterans Administration hospital. Based upon the information in the Application for Prisoner to Proceed Without Payment of Fees or Costs, the court GRANTS plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. However, the court dismisses plaintiff's complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). As set forth in a report and recommendation in an earlier case filed by plaintiff against the union president, "there is no private cause of action for an aggrieved federal employee, like Plaintiff, to sue his union or union representative in federal court for breach of the duty of fair representation." Phillips v. Bryant, No. 10-12387 (E.D. Mich. January 18, 2012). For

the reasons set forth in that report and recommendation, and the order adopting it, plaintiff fails to state a claim. Accordingly, plaintiff's complaint is DISMISSED.

IT IS SO ORDERED.

Dated: November 8, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 8, 2012, by electronic and/or ordinary mail and also to Simon Phillips #761660, Oaks Correctional Facility, 1500 Caberfae Highway, Manistee, MI 49660

s/Barbara Radke
Deputy Clerk