

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIE MAE DUMAS,

Plaintiff,

vs.

Case No. 13-CV-14438  
HON. GEORGE CARAM STEEH

BALDWIN HOUSE MANAGEMENT  
d/b/a AMERICAN HOUSE  
MANAGEMENT COMPANY, L.L.C.,  
et al.,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS (DOC. # 3)  
and DENYING PLAINTIFF'S MOTIONS FOR APPOINTMENT OF  
COUNSEL (DOC. # 10); TO DISMISS DEFENDANT'S MOTION  
TO DISMISS (DOC. # 11); AND FOR ACCOMMODATIONS (DOC. # 12)

Plaintiff Willie Dumas filed a *pro se* complaint of employment discrimination on November 23, 2013, against her former employer and several co-workers. Defendants have filed a motion to dismiss the complaint, asserting that plaintiff's complaint was not timely filed. Additionally, defendants assert that the individual defendants cannot face liability under Title VII. In response, plaintiff asserts that defendants argued for dismissal of only her Title VII claims, and did not "raise a defense against any of my state claims," or "my other federal claims (including 42 USC 1981 and 42 USC 1985)." Plaintiff's Response Brf. at 1.

Plaintiff's form complaint specifically states that her "action is brought pursuant to Title VII of the Civil Rights Act of 1964...for employment discrimination." On the second page of the form, the plaintiff checked boxes indicating that she filed the complaint

within the 90 day period after receiving her right to sue letter from the EEOC and that the defendants' conduct was discriminatory based upon both "race" and "ADA-defined disability." She then wrote in the next section that "[i]f relief is not granted, I will be irreparably denied rights secured by Title VII of the Civil Rights Act of 1964 and/or the Elliot-Larsen Civil Rights Act." In her attached "Statement of Facts," after numerous pages of factual allegations, beginning with her alleged reports to her supervisor of "abusive behavior toward the elderly" by co-workers at American House, plaintiff simply alleged that "the defendant violated State and Federal Law...."

Defendants correctly assert that plaintiff failed to file her November 2013 complaint within 90 days of receipt of the EEOC's Dismissal and Notice of Rights, which was issued on October 5, 2012. That notice admonished that, as set forth in 42 U.S.C. § 2000-e-5(f)(1), "[y]our lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost." See Exhibit 3 to Defendant's Brf. While plaintiff apparently attempts to depict a 2013 complaint she filed in the Eastern District of Michigan against Judge Farah of the Genesee County Circuit Court (and none of the defendants in this action) as an "administrative action" tolling the 90 day limitations period, it serves neither purpose. Accordingly, plaintiff's federal claims are hereby **DISMISSED** as untimely.<sup>1</sup>

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<sup>1</sup> This analysis applies to any Title VII, ADA, or ADEA claims plaintiff alleged in her complaint; to the extent plaintiff contends that she has brought federal claims under 42 U.S.C. §§ 1981 and 1985, such claims are simply not a part of the allegations—or even captions—in her complaint. The court also notes the defendants correctly assert that the individuals named in plaintiff's complaint cannot face individual liability under Title VII and grants dismissal of the individual claims on this basis as well.

To the extent the complaint states any claims under Michigan law, the court declines to exercise supplemental jurisdiction over those claims, and they are hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff's ex-parte motions (1) "for accommodations;" (2) "to dismiss defendant's motion to dismiss;" and (3) "for appointment of counsel or submission of pro se litigant case to pro bono counsel" are hereby **DENIED**.

Judgment will enter for defendants.

**IT IS SO ORDERED.**

Dated: February 20, 2014

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 February 20, 2014, by electronic and/or ordinary mail and also on WillieMae Dumas, 2615 Martin L. King Avenue, Flint, MI 48505-4941.

s/Barbara Radke  
Deputy Clerk