

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

KRISTA FLOWERS LUEBRECHT,)
)
)
Plaintiff,)
)
)
v.) No. 2:12-CV-86-NAB
)
)
PIKE COUNTY R-3 SCHOOL)
DISTRICT, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Krista Flowers Luebrecht for leave to commence this action without payment of the required filing fee. Upon consideration of the financial information provided, the Court finds that plaintiff is financially unable to pay any portion of the filing fee, and therefore, the motion will be granted.

Plaintiff brings this action under Title I of the American with Disabilities Act of 1990 ("ADA")¹ and Title VII of the Civil Rights Act of 1964 for alleged employment discrimination on the basis of gender and disability.

¹Although plaintiff does not specify under which Title of the ADA she is bringing this action, the Court will liberally construe the complaint under Title I, given that the allegations involve disability discrimination by an employer against an employee.

At the outset, the Court notes that Title I of the ADA requires the timely exhaustion of administrative remedies. *See Randolph v. Rodgers*, 253 F.3d 342, 347 n.8 (8th Cir. 2001); *Bonilla v. Muebles J.J. Alvarez, Inc.*, 194 F.3d 275, 279 (1st Cir. 1999). Moreover, “to initiate a claim under Title VII a party must timely file a charge of discrimination with the EEOC and receive a right-to-sue letter.” *Stuart v. General Motors Corp.*, 217 F.3d 621, 630 (8th Cir. 2000). Plaintiff has not filed a copy of her EEOC right-to-sue letter, and there is no indication that she has exhausted her administrative remedies. Taking into consideration the fact that plaintiff is proceeding pro se and in forma pauperis, the Court will grant her twenty (20) days in which to submit a copy of the right-to-sue letter.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall submit a copy of the EEOC's right-to-sue letter within twenty (20) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, this action will be dismissed without prejudice and without further notice to her.

Dated this 4th Day of January, 2013.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE