

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

JOSEPH EVANS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:11CV1188 RWS
)	
SMURFIT STONE CONTAINER,)	
INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion to proceed in forma pauperis. The motion will be granted. Under 28 U.S.C. § 1915(e)(2)(B), the Court is required to review the complaint and dismiss any part of it that is frivolous, malicious, or fails to state a claim upon which relief can be granted. Upon review of the complaint, the Court will dismiss plaintiff’s claims against defendant Tony Unknown.

Plaintiff brings this action under Title VII of the Civil Rights Act of 1964. Named as defendants are Smurfit Stone Container, Inc., and Tony Unknown, plaintiff’s former supervisor. Plaintiff alleges that Tony Unknown treated him differently than a white employee and terminated him because of his race.

Title VII provides a remedy only against an “employer.” The Eighth Circuit Court of Appeals has squarely held that “supervisors may not be held individually liable under Title VII.” Bonomolo-Hagen v. Clay Central-Everly Community School District, 121 F.3d 446, 447 (8th Cir. 1997) (citing Spencer v. Ripley County State Bank, 123 F.3d 690, 691-92 (8th Cir. 1997) (per curiam)); see Bales v. Wal-Mart Stores Inc., 143 F.3d 1103, 1111 (8th Cir. 1998). As a result, plaintiff’s claims against Tony unknown fail to state a claim upon which relief can be granted.

Accordingly,


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

IT IS FURTHER ORDERED that plaintiff’s claims against Tony Unknown are **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue as to defendant Smurfit Stone Container, Inc.

An Order of Partial Dismissal will accompany this Order.

Dated this 19th day of July, 2011.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE