UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BONNIE THOMPSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:14CV6 HEA
	)	
VETERANS CANTEEN SERVICE,	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER TO SHOW CAUSE

This matter is before the Court on plaintiff's amended complaint and accompanying Equal Employment Opportunity Commission ("EEOC") notice of right to sue letter [Doc. #6], which plaintiff filed in response to this Court's Opinion, Memorandum and Order of January 16, 2014 [Doc. #5]. As set forth below, the Court will order plaintiff to show cause why this action should not be dismissed as time-barred.

28 U.S.C. § 1915(e)

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis at any time if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. An action is frivolous if "it lacks an arguable basis either

in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

In reviewing a pro se complaint under § 1915(e)(2)(B), the Court must give the complaint the benefit of a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). The Court must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are clearly baseless. *Denton v. Hernandez*, 112 S. Ct. 1728, 1733 (1992).

The Amended Complaint

Plaintiff seeks monetary relief pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2000e-17. Plaintiff has attached to the amended complaint a copy of the EEOC's notice of right to sue letter which is dated July 31, 2013. The Court notes, however, that this action was not filed until December 4, 2013, which is beyond the ninety-day limitation period for filing a Title VII claim in federal court. Because plaintiff is proceeding pro se and in forma pauperis, the Court will grant her twenty (20) days to show cause why this action should not be dismissed as time-barred. *See Shea v. City of St. Paul*, 601 F.2d 345, 348 (8th Cir. 1979)(Title VII action must be brought within ninety (90) days of receipt of right to sue letter).

In accordance with the foregoing,

IT IS HEREBY ORDERED that the Clerk shall not issue process or cause process to issue upon the amended complaint at this time, and that plaintiff shall show

cause within twenty (20) days from the date of this Order why this action should not be dismissed as time-barred.

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

Dated this 20th day of February, 2014.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE