

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

ERIC SAXTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:15CV847 TCM
	)	
MAC,	)	
	)	
Defendant,	)	

**MEMORANDUM AND ORDER**

Plaintiff, who is proceeding in forma pauperis, brings this action under Title VII of the Civil Rights Act of 1964. He does not have a timely right-to-sue letter from the EEOC. He seeks leave to proceed with this case, however, because he has a timely right-to-sue letter from the Missouri Commission on Human Rights.

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted.

A plaintiff in a Title VII action has ninety days from receipt of the EEOC's right-to-sue letter to file a civil action. 42 U.S.C. § 2000e-5(f). Failure to file a timely civil action warrants dismissal of the complaint. *E.g., Braxton v. Bi-State Development Agency*, 728 F.2d 1105, 1108 (8th Cir. 1984).

Plaintiff alleges that defendant discriminated against him on the basis of his race. Plaintiff attached an EEOC right-to-sue letter to the complaint. The right-to-sue letter was mailed to plaintiff on February 10, 2015. The ninety-day period in this case elapsed on approximately May 11, 2015. Plaintiff did not file the instant action until May 27, 2015. As a result, the complaint is time-barred.

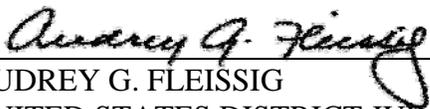
Plaintiff's right-to-sue letter from the MCHR does not give this Court jurisdiction to hear this case. Title 42 U.S.C. § 2000e-5(f) requires a timely right-to-sue letter from the EEOC.

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 6th day of July, 2015.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE