

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ANDREA M. ROUSE-BALDWIN,
Plaintiff,

v.

AFSCME - LOCAL 2318,
Defendant.

Hon. Stanley R. Chesler
Civil Action No. 08-6345 (SRC)

OPINION

CHESLER, District Judge

This matter comes before the Court on the application to proceed *in forma pauperis* made by Plaintiff Andrea M Rouse-Baldwin. The Court has reviewed Plaintiff’s application to proceed *in forma pauperis* and, pursuant to 28 U.S.C. § 1915(a), grants the application and directs the Clerk to file the Complaint without payment of fees. Section 1915 directs that a Court, on its own motion, must dismiss a complaint, filed pursuant to that statute, which fails to state any valid claim for relief. 28 U.S.C. §§1915(e)(2)(B)(ii). The Court has accordingly reviewed the Complaint submitted by Plaintiff, and for the reasons that follow, dismisses the Complaint in its entirety for failure to state a claim upon which relief may be granted.

The Complaint is brought under Title VII of the Civil Rights Act of 1964 for employment discrimination. It suffers from two fatal legal defects. First, the Defendant, AFSCME - Local 2318 is not alleged to have been Plaintiff’s employer. Rather, it appears from Plaintiff’s allegations of Defendant’s wrongdoing - specifically, that it failed to properly represent her in

connection with hearings following her allegedly wrongful termination on July 27, 2007 - that the Defendant is a labor union to which Plaintiff belongs or belonged. The Complaint submitted does not identify the employer which allegedly terminated her illegally. Title VII prohibits unlawful employment practices only by employers. 42 U.S.C. § 2000e-2(a). When a Plaintiff brings a claim under Title VII against a party who is not alleged to have been an employer, dismissal is appropriate. Emerson v. Thiel College, 296 F.3d 184, 190 (3d Cir. 2002). Second, Plaintiff's statement of the acts complained of does not include any acts of employment discrimination. Under these circumstances, this Court finds that the Complaint fails to state a claim on which relief may be granted.

For these reasons, and pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the Court will dismiss the Complaint.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.

Dated: January 15, 2009