

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Romero R. Garner, Sr.,	)	CASE NO. 1:16 CV 182
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	<u>MEMORANDUM OPINION</u>
Swagelok Company,	)	<u>AND ORDER</u>
	)	
Defendant.	)	
	)	

*Pro se* plaintiff Romero R. Garner has filed this *in forma pauperis* employment action against his former employer, Defendant Swagelok Company, pursuant Title VII of the Civil Rights Act of 1964. The plaintiff alleges he believes he was discriminated against on the basis of his race (which he does not allege). He alleges he was the only person in his department put on 60-days probation in February 2015 for failing to follow standard work and was terminated from his employment in March 2015.

Title VII requires a plaintiff alleging employment discrimination to file a timely charge of discrimination with the Equal Employment Opportunity Commission (EEOC) before filing suit. *See Dickerson v. Associates Home Equity*, 13 Fed. App'x 323, 2001 WL 700818, at \*1 (6th Cir. June 15, 2001). When a charge of discrimination is filed with the EEOC, the EEOC investigates the charge to determine if it is true. The Sixth Circuit has held that possession of a right-to-sue letter from the EEOC is as a condition precedent to filing suit under Title VII and that dismissal of a Title VII action is warranted in the absence of a such a letter. *See id.*

In that there is no indication anywhere in the plaintiff's pleading that he has he has obtained a right-to-sue letter or has filed a charge of discrimination with the EEOC, this action is hereby dismissed without prejudice to the plaintiff's re-filing after he exhausts his remedies with the EEOC. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

  
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DONALD C. NUGENT  
UNITED STATES DISTRICT JUDGE

Dated: February 9, 2016