**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**TYLER DIVISION**

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| **ROSLAND SCOTT,** | § | |
| | § | |
| **Plaintiff,** | § | |
| | § | |
| **v.** | § | **CIVIL ACTION No. 6:14-cv-655** |
| | § | |
| **CARTER BLOODCARE,** | § | |
| | § | |
| **Defendant.** | § | |

**ORDER ADOPTING REPORT AND RECOMMENDATION**
**OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was assigned to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge ("R&R"), which grants Defendant Carter BloodCare's Motion to Dismiss (Doc. No. 9), has been presented for consideration. Defendant moved to dismiss Plaintiff's lawsuit with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(6) for failing to allege any set of facts in support of her claim which would entitle her to relief. Specifically, Defendant asserted the action is barred as a matter of law because Plaintiff failed to file a claim prior to the ninety-day deadline statutorily mandated by Title VII, and argues the ninety-day period should not be equitably tolled during the pendency of her prior lawsuit.

The Magistrate Judge recommended granting Defendant's motion, stating that equitable tolling of the filing period was not applicable or justified in this situation, and, even if equitable tolling applied, Plaintiff still failed to meet the deadline. R&R at 4-6. Plaintiff, proceeding *pro se* and *in forma pauperis*, objected to the Report and Recommendation and has requested additional time to retain an attorney. Doc. No. 15.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objection is without merit. Plaintiff's written objection does not contradict the findings in the Report and Recommendation. Rather, Plaintiff simply requests time to retain counsel. Plaintiff's status as a *pro se* litigant does not excuse her failure to meet the statutorily-imposed deadlines. Courts have continuously held that ignorance of the law and inadvertent noncompliance, including missed deadlines and defective pleadings, are inexcusable even for *pro se* litigants. *See, e.g., McNeil v. United States*, 508 U.S. 106, 114, 113 S.Ct. 1980, 124 L.Ed.2d 21 (1993) ("we have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel"); *Teemac v. Henderson*, 298 F.3d 452, 458 (5th Cir.2002). Therefore, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court and **OVERRULES** Plaintiff's objection.

**SIGNED this 31st day of March, 2015.**

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE