

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

IN THE MATTER OF FILING OF CIVIL RIGHTS
CASES UNDER TITLE VII (42 USC 2000e)

GENERAL ORDER NO. 29

The recent Supreme Court decision in Baldwin County Welcome Center v. Brown prohibits the tolling of the time for filing the Complaint in a Title VII (42:2000e) case upon the filing of the right-to-sue letter. This Court has experienced some procedural problems in the expeditious filing of these cases since the plaintiff usually waits until the deadline approaches to bring in his right-to-sue letter, and normally has a Motion to Proceed In Forma Pauperis (IFP) attached to the letter. Unless the Court gives an immediate ruling on the Motion to Proceed IFP, the 90-day time limit will expire, thus denying plaintiff his day in court.

In order to more expeditiously process these Title VII (42:2000e) cases through the filing stage, the Court hereby adopts the following procedures:

A. WHEN THE RIGHT-TO-SUE LETTER IS BROUGHT IN PERSONALLY BY
PLAINTIFF:

1. The Clerk will inquire if plaintiff desires to proceed IFP and desires to have counsel appointed.
2. If answered affirmatively, the Clerk will provide plaintiff with the necessary forms for requesting leave to proceed IFP and the support affidavit. If plaintiff desires the Court to appoint counsel that form will also be provided.
3. A form of Complaint under Title VII will be furnished to plaintiff who will complete the form and return it to the Clerk immediately. The right-

to-sue letter is to be attached to the Complaint.

4. The Clerk is hereby given authority to approve the petition to proceed as a pauper, and promptly file the Complaint. Upon review of the petition, if it is determined by the Judge to whom the case is assigned that the plaintiff is not a pauper and the Complaint was erroneously filed, he/she will notify the plaintiff to pay the statutory filing fee or the Complaint will be dismissed.
5. The assigned Judge will rule on the pending Motion for Appointment of Counsel.
6. The Clerk's office should make no effort to determine if the Complaint is filed within 90 days from receipt of the right-to-sue letter.
7. This procedure eliminates the setting up of a miscellaneous file for this proceeding.

B. WHEN THE RIGHT-TO-SUE LETTER ONLY IS RECEIVED BY MAIL:

1. The Clerk will file stamp the right-to-sure letter and set up a miscellaneous case file.
2. The Clerk will promptly (meaning the same day) send to plaintiff the forms to proceed IFP, request for Appointment of Counsel, and the form for Complaint. The Clerk shall mail these documents with a transmittal letter explaining the importance of filing the Complaint within the 90-day time period, and that plaintiff will be in a danger of losing his right to proceed under Title VII if the Complaint is not timely filed. A copy of the letter will be placed in the miscellaneous file.

The Complaint, IFP form, and Motion for Appointment of Counsel should all be cross-referenced with the miscellaneous case file number in order to retrieve the right-to-sue letter when the completed forms are returned.

3. Upon receipt of the completed forms set out in paragraph 2 above, the Clerk and assigned Judge will follow the procedures outlined in paragraph A4 through A6 above.

IT IS SO ORDERED THIS 7th day of January, 1991.

FOR THE COURT:

/s/ Garnett Thomas Eisele

G. THOMAS EISELE, CHIEF JUDGE
UNITED STATES DISTRICT COURT