

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
ANTUAN PULLIAM,

Petitioner,

v.

GENERAL MOTORS,

Respondent.

-----

ORDER

04-C-129-C

On March 3, 2004, petitioner Antuan Pulliam filed a proposed complaint in which he alleged that respondent General Motors fired him because of his race. He requested leave to proceed in forma pauperis under 29 U.S.C. § 1915.

In an order dated March 10, 2004, I concluded that petitioner qualified for indigent status, but I denied his request to proceed because his complaint did not include a request for relief as required by Fed. R. Civ. P. 8(a)(3). The dismissal was without prejudice and petitioner has now filed a new complaint in which he has corrected the deficiency. He seeks \$1,000,000 for lost future earnings, \$150,000 in back pay and pain and suffering and reinstatement.

In the March 10 order, I concluded that petitioner stated a claim under Title VII of

the Civil Rights of Act of 1964, as amended, 42 U.S.C. § 2000e, which prohibits employers from discriminating on the basis of race, color, sex, national origin or religion. In his amended complaint, petitioner indicates that his claim is brought pursuant to 42 U.S.C. § 1981 rather than Title VII. Section 1981 prohibits discrimination on the basis of race in the making, enforcing and terminating of contracts, including employment contracts. Johnson v. Railway Express Agency, Inc., 421 U.S. 454 (1975). The statute protects employees with contracts for a specified duration as well as at-will employees. Walker v. Abbott Laboratories, 340 F.3d 471 (7th Cir. 2003). Accordingly, I conclude that petitioner has stated a claim under § 1981; I will allow him to proceed in forma pauperis on this claim.

#### ORDER

IT IS ORDERED that

1. Petitioner's request for leave to proceed in forma pauperis is GRANTED on his claim that respondent General Motors fired him because of his race, in violation of 42 U.S.C. § 1981.

2. For the remainder of this lawsuit, petitioner must send respondent a copy of every paper or document that he files with the court. Once petitioner has learned what lawyer will be representing respondent, he should serve the lawyer directly rather than respondent. The court will disregard any documents submitted by petitioner unless petitioner shows on the

court's copy that he has sent a copy to respondent or to respondent's attorney.

3. Petitioner should keep a copy of all documents for his own files. If petitioner does not have access to a photocopy machine, he may send out identical handwritten or typed copies of his documents.

4. The United States Marshal will serve petitioner's complaint on respondent and respondent will have 20 days from the date of service of the complaint upon it in which to mail a responsive pleading to petitioner and file it with the court. Shortly thereafter, the court will schedule a telephonic preliminary pretrial conference at which deadlines for bringing this case to resolution will be set and at which petitioner may ask any questions he might have about this court's procedures.

Entered this 15th day of March, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge