

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

IFTIKHAR AHMED MEMON,

Plaintiff,

v.

WAUKESHA COUNTY TECHNICAL
COLLEGE,

Defendant.

ORDER

13-cv-704-bbc

Plaintiff Iftikhar Ahmed Memon has filed a pro se complaint challenging defendant Waukesha County Technical College's refusal to interview him after he applied three times for a position as an economics instructor, on June 11, 2012, September 5, 2012 and March 14, 2013. Defendant moved to dismiss the complaint on several grounds. In an order entered on March 21, 2014, I found that plaintiff's complaint violated Fed. R. Civ. P. 8 with respect to all of his claims and gave him an opportunity to submit an amended complaint that corrected these violations. Dkt. #18. In addition, I converted defendant's motion to dismiss the claims related to the June and September 2012 applications to a motion for summary judgment and ordered plaintiff to show cause why (1) his claim related to his June 2012 application should not be dismissed for failure to exhaust his administrative remedies; and (2) his claim related to the September 2012 application should not be dismissed as untimely.

In his response to the show cause order, plaintiff states that he has not received a right-to-sue letter related to the June and September 2012 applications and is not pursuing separate claims based on the rejection of those applications. Dkt. #20. Accordingly, I will grant defendant summary judgment on those claims.

Plaintiff has also submitted an amended complaint in which he alleges that following his March 14, 2013 application for employment as an economics instructor, defendant violated Title VII of the Civil Rights Act and the Age Discrimination in Employment Act (ADEA) because he is an Asian male over the age of 40 and defendant refused to interview him. Dkt. #19. He alleges that he exhausted his administrative remedies with respect to this claim. Plaintiff's allegations are sufficient to state a claim for discrimination under Title VII and the ADEA. Fed. R. Civ. P. 8(a)(2) (complaint must include "short and plain statement of the claim showing that the pleader is entitled to relief"); Swanson v. Citibank, N.A., 614 F.3d 400, 405 (7th Cir. 2010) (plaintiff must identify "type of discrimination that [he] thinks occur[red] . . . , by whom. . . and when."). Because plaintiff has corrected the deficiencies in his original complaint, the amended complaint will become the operative pleading in this case. This case will proceed on plaintiff's claim that following his submission of a job application on March 14, 2013, defendant violated Title VII and the ADEA by refusing to interview him on the basis of his race and age.

Accordingly, IT IS ORDERED that

1. Defendant Waukesha County Technical College's motion for summary judgment, dkt. #8, on plaintiff's claims related to the June 2012 and September 2012 applications for employment is GRANTED.

2. Plaintiff's amended complaint, dkt. #19, is the operative pleading in this case.

Entered this 10th day of April, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge