

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

ROGER R. PHILBRICK,

Plaintiff,

v.

MARRIOTT MADISON WEST,

Defendant.

ORDER

03-C-0744-C

This is a civil action for monetary relief in which plaintiff Roger Philbrick alleges that he was wrongfully discharged from defendant Marriott Madison West because of his age and American Indian race. Although plaintiff does not allege a jurisdictional basis for his claims, I understand him to be alleging that defendant violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e.

Under Title VII, a plaintiff must obtain a right to sue letter before filing a federal lawsuit. See Patterson v. McLean Credit Union, 491 U. S. 164, 181 (1989) (plaintiff may bring Title VII action in federal court only after exhausting administrative procedures set out in 42 U.S.C. § 2000e-5 and obtaining right to sue letter from EEOC); see also EEOC v. Harris Chernin, Inc., 10 F.3d 1286, 1288 n.3 (7th Cir. 1993); Bullard v. Sercon Corp., 846 F.2d 463, 467 (7th Cir. 1988) (citing 42 U.S.C. § 2000e-5(e)). Plaintiff has not submitted

a right to sue letter with his complaint. Therefore, before plaintiff may proceed further with his lawsuit, he will have to supplement the complaint with a copy of his right to sue letter from the Equal Employment Opportunity Commission.

ORDER

IT IS ORDERED that plaintiff Roger R. Philbrick may have until January 26, 2004, in which to provide this court with a copy of his Equal Employment Opportunity Commission right to sue letter. If, by January 26, 2004, plaintiff fails to submit the necessary documents, then I will enter an order dismissing this case on the court's own motion for lack of jurisdiction.

Entered this 5th day of January, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge