

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 18 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

IRENE MOORE,

Plaintiff,

v.

DEPARTMENT OF JUSTICE,

Defendant.

Civil Action No.

09 0518

MEMORANDUM AND ORDER STAYING CASE

This matter comes before the Court upon review of the *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted, but the case must be stayed for the following reasons.

Plaintiff claims that she was discriminated against when she was terminated from her employment as a Secretary at the United States Department of Justice, Criminal Division, on the basis of her race and age and in retaliation for pursuing a discrimination claim with the Equal Employment Opportunity Commission ("EEOC"). The Court presumes that plaintiff brings this action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *et seq.*, and the Age Discrimination in Employment Act, *see* 29 U.S.C. § 621 *et seq.*

The issuance of a right to sue letter from the EEOC is a condition precedent to the filing of an action such as this in federal court. 42 U.S.C. §§ 2000e-5(f), 2000e-16(d). In the absence of the issuance of a right to sue letter within 180 days of filing charges with the agency, the plaintiff is obligated to request that such a letter be issued. *See* 29 C.F.R. § 1601.28.

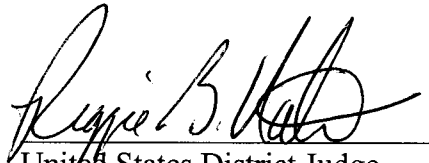
Accordingly, it is hereby

ORDERED that plaintiff's application to proceed *in forma pauperis* is GRANTED; and it is

FURTHER ORDERED that this matter is **STAYED**, and it is

FURTHER ORDERED that, within 30 days of the date of entry of this Order, plaintiff must provide the Court with a right to sue letter indicating a final determination of plaintiff's charge by the agency. Failure to do so will result in the dismissal of this matter.

SO ORDERED.


United States District Judge

Date: *March 12, 2009*