

JUL 23 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of ColumbiaUNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Dale B. Adams,

Plaintiff,

v.

Equal Employment

Opportunity Commission *et al.*,

Defendants.

Civil Action No.

12 1201

MEMORANDUM OPINION

Before the Court are plaintiff's complaint brought *pro se* and application to proceed *in forma pauperis*. The application will be granted and the complaint dismissed. Pursuant to 28 U.S.C. § 1915(e)(2), the Court is required to dismiss a case "at any time [it] determines that . . . the action . . . fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii).

Plaintiff, a resident of Harrison, Arkansas, sues the Equal Employment Opportunity Commission ("EEOC") and its Chairperson for the alleged wrongful processing of his grievances against Tysons Foods. "[N]o cause of action against the EEOC exists for challenges to its processing of a claim." *Smith v. Casellas*, 119 F.3d 33, 34 (D.C. Cir. 1997), *cert. denied*, 118 S.Ct. 386 (1997). Rather, "Congress intended the private right of action . . . under which an aggrieved employee may bring a Title VII action directly against his or her employer [] to serve as the remedy for any improper handling of a discrimination charge by the EEOC." *Id.* Accordingly, the complaint must be dismissed. A separate Order accompanies this Memorandum Opinion.

Date: July 12, 2012


United States District Judge