

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JONATHAN C. BERTANELLI,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 21-3058 (UNA)
)	
CHARLOTTE A. BURROWS, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

This matter is before the Court on consideration of the plaintiff’s application to proceed *in forma pauperis* and his *pro se* complaint.¹ Generally, the plaintiff alleges that the Chair, Vice Chair, Inspector General, and unidentified employees of the Equal Employment Opportunity Commission (“EEOC”) failed to file, process, or investigate his claims of employment discrimination.

“Congress has not authorized, either expressly or impliedly, a cause of action against the EEOC for the EEOC’s alleged negligence or other malfeasance in processing an employment discrimination charge.” *Smith v. Casellas*, 119 F.3d 33, 34 (D.C. Cir.) (per curiam), *cert. denied*, 522 U.S. 958 (1997); *McCottrell v. Equal Employment Opportunity Comm’n*, 726 F.2d 350, 351 (7th Cir. 1984) (“It is settled law, in this and other circuits, that Title VII does not provide either an express or implied cause of action against the EEOC to challenge its investigation and

¹ Ordinarily, a plaintiff either must submit a residence address or a motion for leave to use a Post Office Box as his mailing address. *See* LCvR 5.1(c)(1). The Court waives this requirement based on plaintiff’s representation in his application to proceed *in forma pauperis* (ECF No. 2) that he currently is homeless.

processing of a charge.”); *Brown v. Berrein*, 923 F. Supp. 2d 43, 43 (D.D.C. 2013) (dismissing complaint against EEOC for having dismissed plaintiff’s charge of discrimination as untimely without taking disability into account); *see also Coulibaly v. Pompeo*, 318 F. Supp. 3d 176, 183 (D.D.C. 2018) (dismissing counts of complaint alleging that agency’s Office of Civil Rights mishandled plaintiff’s EEO complaints).

The Court will grant the plaintiff’s application to proceed *in forma pauperis* and dismiss the complaint for its failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). An order is issued separately.

DATE: November 24, 2021

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge