

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
CIVIL ACTION NO.

JOHN R. STELLY, II
Plaintiff

v.

JUDGE

STATE OF LOUISIANA, THROUGH
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS, OFFICE OF
STATE POLICE
Defendant

MAGISTRATE JUDGE

COMPLAINT AND JURY DEMAND

NOW INTO COURT, through his undersigned counsel, comes the Plaintiff, John R. Stelly, II, who respectfully represents as follows:

JURISDICTION AND VENUE ALLEGATIONS:

1.

This court has subject-matter jurisdiction herein pursuant to 28 U.S.C. § 1331. This is an action for damages arising out Defendants' violations of Title VII of the 1964 Civil Rights Act and 42 U.S.C. § 1981.

2.

Venue is appropriate in the United States District Court for the Eastern District of Louisiana, pursuant to 28 U.S.C. § 1391(a). During all relevant times, Plaintiff John R. Stelly, II was assigned to Troop B in Jefferson Parish in this judicial district.

PARTIES:

5.

Plaintiff John R. Stelly, II (“Plaintiff” or “Lt. Stelly”) is a White resident of the state of Montana. He was employed by the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (“LSP”).

6.

Named defendant herein is State of Louisiana, through the Department of Public Safety and Corrections, Office of State Police ("LSP"), a political subdivision of the State of Louisiana.

INTRODUCTION:

7.

Plaintiff began his employment with LSP on January 22, 1995. On May 5, 1995, Plaintiff was commissioned to Trooper and assigned to Troop B. On December 27, 2001, after five years of service as a Trooper, Plaintiff was promoted to Sergeant in Troop B.

8.

On August 10, 2004, after four years of service as sergeant, Plaintiff was promoted to lieutenant in Troop B. After serving two years as a lieutenant, he was eligible for promotion to captain.

9.

LSP denied Lt. Stelly promotion from lieutenant to captain because of race discrimination, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

10.

LSP denied him promotion from lieutenant to captain because of race discrimination, in violation of 42 U.S.C. § 1981..

11.

Lt. Stelly remained eligible for promotion until he was constructively discharged in 2021, having been denied promotion to captain thirty-one (31) times during the period 2008-2021. LSP constructively discharged Lt. Stelly when he retired on December 18, 2021, in violation of Section 1981 and Title VII.

12.

On May 5, 2022, Lt. Stelly filed an EEOC Charge of Discrimination asserting violations based on race discrimination under Title VII of the Civil Rights Act of 1964, as amended. This charge was docketed with the EEOC as Charge No. 461-2022-01474.¹

13.

The EEOC issued its determination of charge and right to sue letter on December 1, 2022 regarding Lt. Stelly's claims of race discrimination under Title VII of the Civil Rights Act of 1964, as amended.

14.

The determination of charge from the EEOC stated "The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge."

15.

This complaint has been timely filed following the receipt of the EEOC right to sue letter.

FACTUAL ALLEGATIONS:

16.

The Louisiana Constitution article 10 §45 provides that promotions within the LSP shall be made in the following manner:

"Permanent appointments and promotions in the classified state police service shall be made only after certification by the director under a general system based upon merit, efficiency, fitness, and length of service, as ascertained by examination which, so far as \ practical, shall be competitive."

17.

Lt. Stelly's merit and efficiency were at the very top level for all 17 of his annual

¹ Lt. Stelly is not pursuing his age discrimination claim, which was included in his EEOC charge.

evaluations as a Louisiana State Police (LSP) lieutenant. Lt. Stelly's annual performance evaluations were evaluated by 5 captains and reviewed by 8 majors. Without exception, Lt. Stelly scored at the highest level on each of 11 factors in each evaluation, from 2008 until 2021.

18.

Looking particularly at Lt. Stelly's last four evaluations as a lieutenant, Captain Donovan Archote, Lt. Stelly's supervisor, wrote:

"You have met and exceeded all work and behavior expectations that had been set for you. Your work ethic, knowledge, dependability, and loyalty are truly appreciated by me and everyone here at the Troop. Thank you for being a leader on our team and taking care of Troop B duties when I am away. When given the opportunity to run a command, I know you will excel and be very successful."

19.

For the last four years that Lt. Stelly served as a lieutenant at Troop B, he was told by Captain Archote that when Lt. Stelly got his command as captain, he knew that he would be very successful. However, year after year, Lt. Stelly applied for promotion to captain and was denied.

20.

Reviewing the constitutional requirements for promotions, Plaintiff was equally qualified in fitness for the captain position as the other candidates. Lt. Stelly successfully completed all of his annual in-service physical examinations.

21.

Interpreting the requirement of fitness to include intellectual fitness, Lt. Stelly was more qualified in intellectual fitness than the other candidates that applied for the captain positions. When Lt. Stelly joined the LSP in 1995, Lt. Stelly had earned a Bachelor of Science Degree in Mathematics, a Bachelor of Science Degree in Computer Science, and Master of Science Degree in Mathematics. Also prior to joining the LSP, Lt. Stelly had started earning his PhD in Computer

Science. Lt. Stelly has a higher level of formal academic education than the other candidates for the captain positions that Lt. Stelly applied for.

22.

Regarding ethical fitness, Lt. Stelly has not been disciplined as a sergeant or a lieutenant of the LSP in the past 20 years. Upon information and belief, Lt. Stelly’s disciplinary record is superior or equal to the other candidates for captain. Also, Lt. Stelly earned numerous awards and accolades during his career with the LSP.

23.

Lt. Stelly observed that he was being denied promotion to captain when he was an eligible candidate for promotion to a captain position in Internal Affairs. That promotion was awarded on September 6, 2017, to Lt. Chavez Cammon, Black, who had the bare minimum of two years of time in grade as a lieutenant. At that time, Lt. Stelly had 13 years of time in grade. At that time Lt. Stelly had 4.5 years more than Lt. Cammon in years of service.

24.

The promotion choices since 09/06/17 by the LSP to captain for positions that Lt. Stelly applied for are:

Panel	Race	Date of promotion	Section	Candidate chosen
1	B	09/06/17	Internal Affairs	Chavez Cammon
2	B	04/25/18	Gaming	Kenneth VanBuren
3	W	07/26/18	Technical Support Services	Christopher Eskew
4	W	08/23/18	Troop N	Dean Behrens

5	B	10/03/18	Technology/ Business Support	Lamar Davis
6	W	10/03/18	Investigative Support Services	Robert Hodges
7	W	10/03/18	Crime Lab	Kevin Marcel
8	W	02/06/19	Public Affairs	JB Slaton
9	W	06/25/20	Gaming	Pat Bradley
10	B	10/20/20	Troop L	Hiram Mason
11	B	11/24/20	Technical Support Services	Aaron Marcelle
12	W	11/24/20	Technology/ Business Support	David Stelly
13	W	01/07/21	Police Logistical Services	Nicole Kilgore
14	W	02/10/21	Public Affairs	Nicholas Manale
15	B	05/19/21	Internal Affairs	Treone Lavardain
16	Non-W	07/09/21	Operational Development	Robert Burns
17	B	07/09/21	Gaming	Salem ElAmin
18	W	08/26/21	LCJIS	Jonas Martin

Black candidates comprised an approximate average of 19.4% of each of Lt. Stelly's 18 promotional panels for captain in this table. The Department chose black candidates for promotion in these panels 38.9% of the time. The statistical analysis of this data is that the number of black candidates promoted from September 2017 through August 2021 deviated above the expected number by more than two standard deviations.

25.

According to the Louisiana State Police Commission Rules, Chapter 7, Examination and Eligible Lists, paragraph 7.13, the rating of each candidate for promotion shall take a competitive examination for promotion. The eligible list for promotion shall list the names of those persons who have met the eligibility placed in grade order of the examination results, from the highest to the lowest. The examination contains questions on the Louisiana Revised Statutes, the Law Enforcement Officer's Handbook, LSP policies, LSP-generated leadership material, and a section for candidates to submit a response to a scenario designed to be handled at the captain level.

26.

On April 25, 2018, Lt. Kenneth VanBuren, Black, was promoted to captain and Lt. Stelly was not promoted although he was on the eligible list.

27.

On October 3, 2018, Lt. Lamar Davis, Black, was promoted to captain and Lt. Stelly was not promoted although Lt. Stelly was first on the eligible list and Lt. Davis was 13th on the list. Also Lt. Stelly had 3 more years in years of service than Lt. Davis and 5 more years in time in grade.

28.

On October 20, 2020, Lt. Hiram Mason, Black, was promoted to captain and Lt. Stelly was not promoted although Lt. Stelly was first on the eligible list and Lt. Mason was 6th on the list. Also Lt. Stelly had a few more months in years of service than Lt. Mason and 13 more years in time in grade.

29.

On November 24, 2020, Lt. Aaron Marcelle, Black, was promoted to captain and Lt. Stelly was not promoted although Lt. Stelly was first on the eligible list and Lt. Marcelle was 4th on the

list. Also Lt. Stelly had 6 more years in years of service than Lt. Marcelle and 13 more years in time in grade.

30.

On May 19, 2021, Lt. Treone Lavardain, Black, was promoted to captain and Lt. Stelly was not promoted although Lt. Stelly was first on the eligible list and Lt. Lavardain was 4th on the list. Also Lt. Stelly had 11 more years in years of service than Lt. Larrvadain and 10 more years in time in grade.

31.

On July 9, 2021, Lt. Robert Burns, non-White, was promoted to captain and Lt. Stelly was not promoted although Lt. Stelly was first on the eligible list and Lt. Burns was 2nd on the list. Also Lt. Stelly had 7 more years in years of service than Lt. Burns and 10 more years in time in grade.

32.

On July 9, 2021, Lt. Salem El Amin, Black, was promoted to captain and Lt. Stelly was not promoted although Lt. Stelly was first on the eligible list and Lt. El Amin was 8th and last on the list. Also Lt. Stelly had 9 more years in years of service than Lt. El Amin and 14 more years in time in grade.

33.

In early 2019, Cpt. Archote told Lt. Stelly, before the interviews were conducted for selection of a trooper-level position in Troop B for the position of Public Information Officer, that the Department's position was that a black trooper would be selected. When Lt. Stelly objected to this racial preference, Cpt. Archote stated that that is just the way it is. This conversation took place in Lt. Stelly's office just prior to the interviews conducted at Troop B. A black trooper, in fact the only black trooper who applied, was selected.

34.

Days prior to Lt. Stelly's May 19, 2021, promotional panel for Internal Affairs, Cpt. Archote called LTC Chavez Cammon to speak on Lt. Stelly's behalf and recommend him for the position. On May 14, 2021, during a closed-door meeting in Cpt. Archote's office, Cpt. Archote told him of his conversation with LTC Cammon and said that LTC Cammon replied, "Did you see who's on the list?" upon his recommending me to Cammon. Cpt. Archote and Lt. Stelly took LTC Cammon's response to refer to the fact that Lt. Larvadain, the only black candidate, would be selected for promotion. She was indeed selected.

35.

On July 29 and 30, 2022, Cpt. Archote and Lt. Stelly spoke via phone. As a longtime advocate for Lt. Stelly's promotion, Archote repeated his position that Lt. Stelly certainly deserved to have been promoted to at least captain. Cpt. Archote mentioned LSP COL Lamar Davis' had repeated that he intends to increase (racial) diversity at LSP. COL Davis has stated this position in public.² Cpt. Archote told Lt. Stelly that Lt. Stelly's not having been promoted to captain due in part to its being inconsistent with Davis' goal.

36.

LSP failed to implement and enforce an effective policy or training regarding racial discrimination in the workplace.

37.

Each time the Plaintiff was denied promotion to captain, he was not given any reason that

² See Louisiana Illuminator, 11-29-21 article by Wesley Muller in which Davis is quoted saying that LSP's 100th Academy class was one of the most diverse classes in LSP history: "I think that's important because our society has become more diverse." Davis then continued, "For me, diversity has always been a value added ... **That's what I'm building throughout our department ...** I think we'll all see the benefits of it." {Emphasis added.}

he was not chosen. However, during the time that he was being denied opportunities for promotion, other similarly situated non-white employees were receiving those promotions, and some or all of those employees were not as qualified for the positions as was the Plaintiff, had disciplinary histories, and/or had fewer years of service and fewer years of time in grade than the Plaintiff.

PLAINTIFF'S 42 U.S.C. § 1981 CAUSES OF ACTION:

38.

The Plaintiff reasserts the allegations of paragraphs 1-37 in support of his claims for monetary damages against the Defendants for violations of 42 U.S.C. § 1981.

39.

Plaintiff, Lt. Stelly, has shown background circumstances suggesting that the LSP discriminates against the majority, the Whites employed by the LSP.

40.

Lt. Stelly was qualified for all the positions of captain sought.

41.

Lt. Stelly was rejected for all of the positions of captain he sought.

42.

Candidates outside of the protected class, namely non-Whites, who were not better qualified for the positions stated in paragraphs 28 through 32 above were promoted instead of Lt. Stelly. *Id.*

43.

Lt. Stelly's race, White, was a motivating factor in his non-selection for promotion to captain for the positions stated in paragraphs 28-32 above.

44.

LSP has proffered no legitimate, non-discriminatory reasons for Lt. Stelly's non-selection for promotion to captain for the positions stated in paragraphs 28-32 above.

45.

Whatever alleged legitimate, non-discriminatory reasons that may be offered by LSP for Lt. Stelly's non-selection for promotion to captain for the positions stated in paragraphs 28-32 above, if any, will be a pretext for discrimination based on Lt. Stelly's race.

46.

LSP made Lt. Stelly's work conditions so intolerable that a reasonable employee would feel compelled to resign. Because LSP failed to promote Lt. Stelly to captain for 31 times for a period of 13 years when he was consistently the top scorer on the open competitive exams for each of the 31 positions applied for was humiliating for Lt. Stelly with his peers and with his spouse. This humiliation by LSP was calculated to encourage the employee's early retirement.

47.

Lt. Stelly planned to retire after at least three years as a captain for retirement pay calculations but was humiliated into retiring after 31 failed attempts at being promoted to captain.

PLAINTIFF'S TITLE VII CAUSES OF ACTION:

48.

Lt. Stelly reasserts the allegations of paragraphs 1-47 in support of his claims for monetary damages against the Defendants for violations of Title VII of the 1964 Civil Rights Act, as amended.

49.

The Plaintiff's race was a motivating factor in the Defendants' decision to deny Lt. Stelly's applications for promotion to captain for the positions in Operational Development and Gaming that were awarded to Robert Burns and Salem ElAmin on July 9, 2021.

50.

Lt. Stelly reasserts, as if stated in full here, all of his allegations that race is a motivating

factor in LSP failing to promote him and constructively discharging him.

PRAYER FOR RELIEF

Wherefore, the Plaintiff respectfully requests that this Court:

A. Order Defendant to make whole Lt. Stelly by providing appropriate backpay and loss of benefits with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

B. Order Defendant to make whole Lt. Stelly by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

C. Order Defendant to make whole Lt. Stelly by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including but not limited to emotional and mental anguish, pain and suffering, humiliation, loss of enjoyment of life, in amounts to be determined at trial.

D. Award attorney fees and costs in this action.

E. Grant such further legal or equitable relief as the Court deems necessary and proper.

JURY TRIAL DEMAND

In accordance with Rules 38 and 39 of the Federal Rules of Civil Procedure, the Plaintiff hereby requests a jury on all issues raised in the instant Complaint which may be tried by jury.

Respectfully submitted,

/s/Victor R. Farrugia

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Employment Law Specialist

Certified by the Louisiana Board
of Legal Specialization

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State of Louisiana
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Baton Rouge, LA 70802

And

James M. LeBlanc, Secretary
Department of Public Safety and Corrections
604 Mayflower St.
Baton Rouge, LA 70802

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>JOHN R. STELLY, III</p> <p>(b) County of Residence of First Listed Plaintiff <u>Gallatin in Montana</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Farrugia Law Firm, LLC, 1340 Poydras St, Suite 2100 New Orleans, LA 70112 (504) 525-0250</p>	<p>DEFENDANTS</p> <p>STATE OF LOUISIANA, THROUGH DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, LSP</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <p><i>(For Diversity Cases Only)</i></p> <table style="width:100%;"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)* [Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016
			<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
 42 USC 1981 AND 42 USC 2000e

Brief description of cause:
 Failure to Promote and Constructive Discharge based on reverse race discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE 3/1/23 SIGNATURE OF ATTORNEY OF RECORD Victor R. Farrugia

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____