

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted April 23, 2019*
Decided April 24, 2019

Before

WILLIAM J. BAUER, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

No. 18-3362

ERNEST COLLINS,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Southern District of Indiana,
Indianapolis Division.

v.

No. 1:17-CV-3697 RLM-DLP

BARNES & THORNBURG LLP, *et al.*,
Defendants-Appellees.

Robert L. Miller, Jr.,
Judge.

ORDER

Ernest Collins filed a complaint challenging events that happened forty years ago—his discharge from Western Electric in 1978 and an unfavorable disposition in an employment-discrimination lawsuit that he brought in 1980. In this new suit, he alleges that Western Electric fired him because of his race and that its lawyers stole documents

* Defendants were not served in the district court and are not participating in this appeal. We have agreed to decide the case without oral argument because the appeal is frivolous. FED. R. APP. P. 34(a)(2)(A).

No. 18-3362

Page 2

and money from him. The district court dismissed the complaint as time-barred and frivolous.

On appeal, Collins does not engage the district court's reasoning but remains dissatisfied with its decision. The court, however, was correct that Collins's claims are time-barred. Because Collins waited forty years to bring this discrimination action, it is untimely under both Title VII of the Civil Rights Act of 1964, *see* 42 U.S.C. § 2000e-5(e)(1), (f)(1) (deadline for filing EEOC charge is within 300 days of discriminatory act; deadline for bringing civil suit is within 90 days of receiving notice of right to sue), and 42 U.S.C. § 1981, *see* 28 U.S.C. § 1658(a); *Campbell v. Forest Pres. Dist. of Cook Cty.*, 752 F.3d 665, 668 (7th Cir. 2014) (four-year statute of limitations for wrongful-termination claims under § 1981).

We caution Collins to refrain from pursuing further frivolous actions, or he may be sanctioned and prohibited from future filings in this court and in the district courts within the judicial boundaries of the Seventh Circuit. *See Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186–87 (7th Cir. 1995).

AFFIRMED

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

FINAL JUDGMENT

April 24, 2019

Before: WILLIAM J. BAUER, Circuit Judge
MICHAEL S. KANNE, Circuit Judge
AMY C. BARRETT, Circuit Judge

No. 18-3362	ERNEST COLLINS, JR., Plaintiff - Appellant v. BARNES AND THORNBURG LAW FIRM, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:17-cv-03697-RLM-DLP Southern District of Indiana, Indianapolis Division District Judge Robert L. Miller	

The judgment of the District Court is **AFFIRMED** in accordance with the decision of this court entered on this date.

form name: **c7_FinalJudgment**(form ID: 132)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ORDER

Ernest Collins filed a *pro se* complaint challenging events that appear to have occurred 40 years ago – the termination of his employment by Western Electric in 1978 and the disposition of an employment discrimination lawsuit he filed against Western Electric in 1980 (Cause No. 1:80-cv-426) – and seeking \$1 million in damages for “each year [his] case was deprived from going to trial.” His “Demands for Relief” and motions for “fees and arrest warrants” and to serve the defendants [Doc. Nos. 5, 6 and 9] pend. For the following reasons, those motions are DENIED and the complaint is DISMISSED.

Mr. Collins alleges that Western Electric “pratice[d] racial discrimin[ation] of black employees, specifically as far as promotions, advancing in jobs, and higher learning in college education”; that it “was not given or granted summary judgment on the issue of whether it breached its collective bargaining agreement contract with the plaintiff”; and that unidentified attorneys “stole [his] money” and “tampered with evidence.” Documents that Mr. Collins attached to his

complaint show that: (1) the events in question occurred decades ago; (2) Mr. Collins filed a complaint for employment discrimination against Western Electric, Cause No. 1:80-cv-426, and post-judgment motions alleging, among other things, obstruction of justice, entrapment, and racial profiling; (3) Mr. Collins was admonished in March 2011 that any further post-judgment filings could result in summary denial and the imposition of sanctions; and (4) his earlier complaint was dismissed, as was his appeal. Mr. Collins' attempt to reopen those proceedings by filing a new complaint is not only time-barred, but frivolous.

Accordingly, Mr. Collins' "Demands for relief", and motions for "fees and arrest warrants" and to serve the defendants [Doc. Nos. 5, 6 and 9] are DENIED and the complaint is DISMISSED, with prejudice., pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

SO ORDERED.

ENTERED: September 24, 2018

/s/ Robert L. Miller, Jr.
Judge, United States District Court

Distribution:

Earnest Collins
3352 N. Euclid Avenue
Indianapolis, IN 46218

**Additional material
from this filing is
available in the
Clerk's Office.**