

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>LARRY JONES,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>Vs.</b>	§	<b>Civil Action No. 4:16cv2232</b>
	§	
<b>TEXAS DEPARTMENT OF CRIMINAL</b>	§	<b>Jury Requested</b>
<b>JUSTICE, and EXECUTIVE</b>	§	
<b>DIRECTOR BRAD LIVINGSTON,</b>	§	
<b>In his Official Capacity,</b>	§	
<b>Defendants.</b>	§	

**PLAINTIFF’S ORIGINAL COMPLAINT**

**Introduction**

1. Defendant Texas Department of Criminal Justice (“TDCJ”) violated Title VII by retaliating against its employee, Plaintiff Larry Jones (“Jones”).

2. In addition, or in the alternative, Jones also brings claims of race discrimination and retaliation against TDCJ through its chief executive, Brad Livingston (“Livingston”), in his official capacity, for its violations of 42 U.S.C. §1981 through 42 U.S.C. §1983 for the deprivation of his property and liberty interests as protected by the 14<sup>th</sup> Amendment to the U.S. Constitution and these federal statutes.

3. Jones brings claims directly against TDCJ for its retaliation against Jones in violation of Title VII during the actionable period, and seeks equitable relief, actual damages, and attorney’s fees and costs for those violations.

4. Jones also brings his 42 U.S.C. §1981 through 42 U.S.C. §1983 claims of race discrimination and retaliation only against Defendant TDCJ Executive Director Brad Livingston, in his official capacity. These 42 U.S.C. §1981 through 42 U.S.C. §1983 claims are brought under the *Ex parte Young* federal common law doctrine, and therefore

Jones limits his requested relief resulting from these claimed violations only to prospective injunctive relief, attorney's fees (42 U.S.C. §1988), litigation expenses, and costs.

### **Jurisdiction and Venue**

5. The Court has jurisdiction under 28 U.S.C. § 1331 (federal question) and under 28 U.S.C. § 1343 (civil rights).

6. The acts or omissions made the basis of this suit occurred in Walker County, Texas and in this judicial district, so venue is proper in this Court under 28 U.S.C. § 1391.

7. No administrative exhaustion or other conditions precedent are required prior to the filing of claims under 42 U.S.C. §1983 (or 42 U.S.C. §1981).

8. All required conditions precedent required under Title VII (42 U.S.C. §2000e et seq.) have been exhausted and/or performed by Jones prior to the filing of this complaint: 1) Jones filed a charge of retaliation on April 27, 2016 with the U.S. Equal Employment Opportunity Commission (hereinafter "EEOC"), within 300 days of the date of the retaliatory adverse actions for which recovery is sought that is complained of herein (the earliest of which occurred on August 10, 2015); 2) the EEOC sent a request to the US DOJ to issue the Notice of Right to Sue (the EEOC does not issue Notices when a state agency is the respondent to a charge, the DOJ must do so) on May 5, 2016. Jones received the Notice of Right to Sue on May 10, 2016. See Exhibit A, which contains copies of Jones' charge and the Right to Sue letter. Therefore, this suit is timely filed within the 90 days allowed from the receipt of this right to sue letter.

**Parties**

9. Jones is a citizen of the United States and the State of Texas and resides in Walker County, Texas. Jones may be contacted through his attorney of record in this cause.

10. Defendant Texas Department of Criminal Justice (“TDCJ”) is a state agency. TDCJ may be served through its Executive Director Brad Livingston via Tina Rodriguez, Mr. Livingston’s Executive Assistant, who has represented that she will accept service on behalf of Mr. Livingston, at 209 West 14th Street, Suite 500 Austin, TX 78701, P.O. Box 13084 Capitol Station, Austin, TX 78711.

11. Defendant Executive Director Brad Livingston, in his official capacity (“Livingston”), is the chief executive for TDCJ and may be served via Tina Rodriguez, Mr. Livingston’s Executive Assistant, who has represented that she will accept service on behalf of Mr. Livingston, at 209 West 14th Street, Suite 500 Austin, TX 78701, P.O. Box 13084 Capitol Station, Austin, TX 78711.

**Statement of the Case**

12. Jones alleges that as a result of him being African American or because he engaged in protected activities, Jones was illegally harassed, subjected to a pattern of harassment and disparate treatment, and knowingly subjected to unjustified and factually unsupported disciplinary actions served in rapid series rather than either not served or served concurrently. The rapid series of contrived disciplinary actions were designed to improperly manufacture a basis for heightened disciplinary penalties and thereby support a recommendation of termination and other retaliatory actions and harassment against Jones from Warden Baggett and other TDCJ representatives.

13. TDCJ treated Jones disparately or pretextually in the terms and conditions of his employment compared with the way non-black employees, or employees that had not engaged in protected activity, were treated.

14. Other African American employees, including Thomas Ford and Joe Norman, were subjected to a similar tactic that Warden Baggett and her subordinate employees used against Jones: issuing a rapid series of disciplinary actions based on knowingly false or contrived allegations in an effort to access the TDCJ enhanced punishment policy, PD-22, allegedly allowing Warden Baggett to claim that she had no choice but to recommend termination for a third offense within two years.

15. Jones also complains of the following retaliatory actions in 2015 and 2016 following his protected activity of announcing his support and participation in complaints and a lawsuit claiming discrimination and retaliation against TDCJ via email on July 23, 2015 to his chain of command: a directive that both placed Jones in mortal danger and violated TDCJ policy, a failure to take action to protect Jones once in mortal danger, delaying or denying access to treatment and coverage for the injuries he sustained as a result of the retaliatory directive, and disparate discipline against the offender compared to the way in which other offenders have been disciplined for conduct against management officials that had not engaged in protected activity.

**Factual Allegations – Jones’ 42 U.S.C. §1983 (or 42 U.S.C. §1981) Claims**

16. Jones is an African American who had over 23 years of service working for TDCJ when he was involuntarily forced to retire on April 30, 2013 under threat of termination despite having a positive employment record, a good reputation across TDCJ, and not having violated any TDCJ policies or procedures.

17. Jones had been a Lieutenant for approximately seven years at the time he was forced to retire.

18. Jones had attempted to promote for several years at that point, but could not get past Warden Baggett's efforts to prevent him from promoting.

19. Jones had initially filed a complaint of discrimination against Field Officer Luce in May 2011 for race-based comments that Luce had made about President Obama and his family.

20. Jones was then harassed and subjected to disparate terms and conditions of employment by Warden Baggett and other management representatives compared to the way white Lieutenants or Lieutenants that had not engaged in protected activity had been treated.

21. Jones complained about this disparate discrimination and retaliation to the Regional Director, Mr. Trion.

22. Following Jones' second complaint of discrimination and retaliation, the overt harassment appeared to cease for short while.

23. Jones had attempted to transfer away from the Holliday Unit and Warden Baggett due to her discriminatory or retaliatory mistreatment of him.

24. On at least two occasions, when Jones had the opportunity to either transfer or engage in a rotational assignment (both away from Warden Baggett's supervision), Warden Baggett took action to deny Jones those opportunities.

25. Warden Baggett did not engage in that type of mistreatment with the white Lieutenants or Lieutenants that did not engage in protected activity.

26. The last of these occasions occurred in December 2012, when the regional office contacted Warden Baggett asking for Jones to be temporarily assigned to the regional office.

27. Warden Baggett refused to allow Jones to go for false or pretextual reasons due to his race or his protected activity and instead sent a white Lieutenant with substantially less experience and tenure compared to Jones and two other black Lieutenants that were potential candidates for the rotational assignments.

28. After Jones found out that Warden Baggett had rejected the request from the regional office to send Jones in favor of a less experienced white Lieutenant or Lieutenant that had not engaged in protected activity, Jones complained to two of Warden Baggett's subordinate managers about this decision.

29. The regional rotation assignment is a typical stepping-stone for further promotional opportunities above the rank of Lieutenant at TDCJ, which Jones had been seeking for some time.

30. The next month, January 2013, Warden Baggett threatened Jones with the discontinuation of the approval for Jones to use 30 minutes of a shift, once or twice a week, to attend continuing education classes to increase his qualifications and chances at promotion (qualifications that Warden Baggett later used as a justification for not sending Jones to the regional rotation).

31. Warden Baggett had not similarly threatened or denied white employees or employees that had not engaged in protected activity the ability to use work time to attend such classes.

32. In February 2013, Warden Baggett reversed a decision of an officer investigating a potential Use of Force (“UOF”) instructing him to find that a UOF had occurred and to proceed with his investigation with that finding despite the fact that only one employee made a vague reference to a minor (or slight) UOF having occurred by his own hand and not that of Jones and despite the fact that every other witness including the offender affirmatively stated that no UOF had occurred.

33. Because of this direction from Warden Baggett, the investigator called Jones back to the Unit after he had already dismissed Jones when the investigator had initially found that there was no UOF.

34. This call back resulted in Jones being requested to write a UOF report regarding a UOF that did not occur. Jones filled out the report consistent with the fact that no UOF had occurred. This resulted in Jones being disciplined twice for the same position: 1) not reporting a UOF, and 2) falsifying a record by not stating that a UOF had occurred in his forced UOF report.

35. To highlight the ludicrous nature of the rapid series of disciplinary action, between the issuance of the first and second disciplinary actions, Warden Baggett had Jones leave her office and sit outside for a few minutes and then called him right back into her office in a thinly veiled attempt to make it appear like she was serving two separate disciplinary actions and thus set up her ability to issue a third disciplinary penalty shortly thereafter so that she could feign a mandatory recommendation for Jones’ termination.

36. The bases of these disciplinary actions were false and in contradiction with the consistent statements of the witnesses when originally interviewed.

37. The original statements conveyed that Jones had not engaged in a UOF and therefore there was no need to make a report of a UOF.

38. Jones filed a complaint of discrimination and retaliation with the EEOC on April 1, 2013.

39. Jones' EEOC charge was served on TDCJ on April 5, 2013.

40. Jones' health began to be negatively impacted as a result of these consistently fabricated, disparate, and harassing adverse actions from Warden Baggett. Jones' doctor ordered him off from work for a period of weeks in April 2013 and prescribed medication to Jones to help him cope with the work-related stress that was negatively impacting his health. Jones' doctor also advised him to, "make a change" in his work in order to protect his health.

41. While out on leave, Jones learned of a third false allegation that Baggett was going to accuse Jones of engaging in so that she could then terminate Jones for what would be a contrived third violation in a short period of time.

42. The third disciplinary action was based upon another false allegation of a UOF again based upon the statement of one person (a trainee who was not in a position physically or from experience to know if a UOF occurred) when everyone else had denied that a UOF had occurred. Again, Warden Baggett had initiated this disciplinary action by initially taking a comment from the trainee and ordering an investigation into the UOF despite the absence of any credible evidence that a UOF had occurred.

43. Rather than accept the third disciplinary action, Jones felt pressured to retire early to avoid the termination, in constructive discharge of his job.



44. Jones also felt pressure to retire early to protect his health, health insurance, and retirement benefits; all of which he was afraid would have been lost if he stayed under the harassment from Warden Baggett.

45. Even though Jones had retired, when he went to the Holliday Unit to return his uniform and equipment back to TDCJ, Warden Baggett ordered that Jones not be allowed to leave the Unit by locking him inside the front entrance sally port, which is a locked holding area at the prison entrance to restrict the flow of people into and out of the prison.

46. Jones was held locked in the sally port for 10-20 minutes because Baggett wanted to serve him with the third disciplinary action and therefore recommend Jones for termination.

47. Jones could see both Baggett and Crooks through the glass to the office. After a conversation between Baggett and Crooks, Crooks directed the staff to let Jones out of the sally port, so that Jones could leave the Unit.

48. After his constructive discharge from TDCJ, Baggett hired an African American, Thomas Ford, to replace Jones as a Lt. on the Holliday Unit. However, this hiring by Baggett was merely meant to thwart Jones complaint of race discrimination given the fact that Baggett had no intention of keeping Ford as a Lt. on the Holliday Unit, as was made clear by the mistreatment that Ford was subjected to by Baggett and her subordinate staff, to include: refusal to provide Ford with subsidized housing for pretextual reasons, subjecting Ford to a rapid series of disciplinary actions based on knowingly false allegations so that Baggett could recommend termination on the third disciplinary action.

49. Jones returned to TDCJ employment at the Byrd Unit after more than a year away due to Jones' inability to find employment making a sufficient amount of money to cover his living expenses.

50. Jones had to return to TDCJ as a Correctional Officer, instead of as a Lieutenant, thus forcibly taking a two-step demotion.

51. Additionally, Jones was also required to serve out the probationary period that was still pending at the time that he had retired as a result of Warden Baggett's first two unjustified disciplinary actions.

52. Warden Baggett also forwarded the third disciplinary action that she had wanted to use to terminate Jones, to the Senior Warden at the Byrd Unit.

53. The Senior Warden at the Byrd unit refused to serve that disciplinary action on Jones.

#### **Factual Allegations – Jones' Title VII Claims**

54. Upon completing the probationary period, Jones transferred to the Wynne Unit (where Ford happened to be, merely as a coincidence) due to the opening of a position that afforded Jones a better schedule.

55. On July 23, 2015, Jones notified TDCJ management via email of his intent to assist Ford with Ford's discrimination and retaliation lawsuit against TDCJ as well as possibly joining Ford as a plaintiff against TDCJ with the same claims.

56. On August 10, 2015, less than three weeks after Jones' protected activity email described above, in the presence of Lieutenant Roderick Smith (who was copied on the email referenced above and who was the highest ranking officer present in the field with Jones that day), Jones was ordered to relinquish his fire arm, hand over the reigns of

his horse, get off of his horse, and handcuff a non-compliant offender and to do so by himself without any back-up, even though the dispute had originated from the offender toward Jones. This order to Jones violated TDCJ policy which calls for de-escalation and was also unjustified since Roderick Smith could have ordered another officer to place restraints on the offender, could have called the Unit to send backup to place restraints on the offender, or ordered a backup to assist Jones there in the field so that Jones was not by himself in the field.

57. As Jones attempted to handcuff the offender, as instructed, the offender struck Jones' left cheekbone with his fist. The offender continued attacking Jones so violently that Jones was in fear for his life and suffered major and eventually debilitating injuries.

58. The offender did not stop attacking Jones until Jones was able to subdue the offender through physical force.

59. During the fight, Roderick Smith took no steps to assist or protect Jones until Jones had already subdued the offender and the fight was over.

60. Roderick Smith also did not take appropriate steps to protect Jones for the remainder of the shift, which placed Jones unnecessarily and unjustifiably in mortal danger at least twice; and caused Jones substantial bodily and psychological injury.

61. TDCJ management also failed to follow reporting protocols or take reasonable and timely disciplinary steps against the offender compared to the way other offenders had been treated when involved in altercations with TDCJ officers that had not engaged in protected activity.

62. Jones' injuries have required him to take extended leave, undergo multiple surgeries, and recuperate away from work.

63. Jones' injuries have also caused him to seek medical attention and treatment for his psychological damages resulting from the August 10, 2015 threat to his life and TDCJ's failure to protect him from harm.

64. Jones was kept on disability leave but was eventually separated from his position given the fact that his injuries would not allow him to be released to return to work.

65. TDCJ has engaged in several actions that have denied or delayed medical treatment or coverage for the harm that Jones suffered on August 10, 2015 in retaliation for his protected activity on July 23, 2015.

### **Damages**

66. Because of statutorily impermissible and willful, if not malicious, acts of the TDCJ and its representatives, Jones has suffered loss of income, loss of benefits, loss of career opportunity, loss of career investment, and loss of advancement pursuant to Title VII of the Civil Rights Act of 1964 and 1991, as amended and codified at 42 U.S.C. §2000e et seq. ("Title VII"). As a consequence of the unlawful and outrageous actions of TDCJ, Jones has suffered humiliation, loss of standing in the community, emotional pain and suffering, inconvenience, loss of enjoyment of life, irritation and mental anguish. Jones seeks reinstatement, recovery, compensatory, and equitable (i.e., back pay and front pay) damages, as well as attorney's fees, and costs and pre and post judgment interest in the maximum amounts allowed by law pursuant to Title VII of the Civil Rights Act of 1964 and 1991, as amended and codified at 42 U.S.C. §2000e et seq. ("Title VII").

67. Because of the statutorily impermissible and willful, if not malicious, acts of TDCJ and its representatives through Livingston, in his official capacity, Jones seeks only prospective injunctive relief, attorney's fees and costs. Specifically, Jones seeks an order of reinstatement into his positions of Lieutenant with all benefits returned and an order instructing TDCJ to cease discriminating and retaliating against Jones and its African American employees and employees engaging in protected activities, as well as reasonable attorney's fees, and costs from Livingston, in his official capacity, pursuant to 42 U.S.C. §1981 through 42 U.S.C. §1983, and 42 U.S.C. §1988.

### **Relief Requested**

Paragraphs one (1) through sixty-seven (67) of this complaint are incorporated by reference and made a part of Relief One through Relief Five, inclusive.

### **EQUITABLE RELIEF**

#### **Relief One**

Equitable and compensatory damages are the only means of securing adequate relief for Jones. Jones suffered, is now suffering, and will continue to suffer irreparable injury from the unlawful conduct by TDCJ and Brad Livingston, in his official capacity, as set forth herein until and unless enjoined by the Court, to include but not be limited to reinstatement with benefits returned, removing false or damaging information from Jones' personnel file, exonerating Jones for all misconduct that he was illegally and wrongly accused of having engaged, and allowing Jones to provide statements in rebuttal to any remaining documents within his personnel files. 42 U.S.C. §1983 (42 U.S.C. §1981) and Title VII.

**Relief Two**

Jones seeks awards of back pay and front pay for the loss of income as a result of retaliatory based conduct, and constructive discharge by the TDCJ and its representatives during Jones' employment and as a result of Jones' negative experiences in that regard to include the unfair treatment, discipline, and evaluation compared to other similarly situated employees that did not engage in protected activity. Title VII.

**Relief Three**

Jones is entitled to awards of pre- and post-judgment interest on any amounts awarded to him. Title VII.

**LEGAL RELIEF**

**Relief Four**

Jones seeks compensatory, expectation, and/or consequential damages due to the illegal conduct of TDCJ as alleged herein related to Jones' retaliation claims. Title VII.

**Relief Five**

Jones seeks attorney's fees, costs, and expert fees. Title VII and 42 U.S.C. §1988.

**PRAYER FOR RELIEF**

Jones requests the Court to cause TDCJ and Brad Livingston, in his official capacity, to be cited to appear and answer in this Court, and that upon final hearing, the Court grant to Jones as follows:

1. Grant Jones all equitable damages including reinstatement to Lt., back pay, front pay, lost benefits and profits;
2. Grant Jones compensatory damages for TDCJ's acts of retaliation against him;
3. Grant Jones pre and post-judgment interest in the highest lawful amount;

4. Grant Jones reasonable attorney's fees, together with his costs; and
5. Such other and further relief as the Court determines justice and equity so require.

Respectfully submitted,

/s/ Robert Notzon

---

Robert Notzon

The Law Office of Robert Notzon

Texas Bar No. 00797934

1502 West Avenue

Austin, Texas 78701

[Robert@NotzonLaw.com](mailto:Robert@NotzonLaw.com)

(512) 474-7563

(512) 852-4788 facsimile

**ATTORNEY FOR PLAINTIFF**

## **Exhibit A**



<b>CHARGE OF DISCRIMINATION</b>		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
		and EEOC	
State or local Agency, if any		S.S. No.	459-37-0949
NAME (Indicate Mr., Ms., Mrs.) <b>Mr. Larry D. Jones</b>		HOME TELEPHONE (Include Area Code)	
STREET ADDRESS	CITY, STATE AND ZIP CODE <b>Huntsville, TX 77340</b>	DATE OF BIRTH	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME <b>Texas Department of Criminal Justice</b>	NUMBER OF EMPLOYEES, MEMBERS <b>500 or More</b>	TELEPHONE (Include Area Code) <b>936-295-8200</b>	
STREET ADDRESS <b>295 IH 45 North</b>	CITY, STATE AND ZIP CODE <b>Huntsville, TX 77320</b>	COUNTY <b>Walker</b>	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		COUNTY	
CITY, STATE AND ZIP CODE			
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA) LATEST (ALL)	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		<b>08/10/2015</b> to date  <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))			
<p>I provided an email to each person in my chain of command on July 23, 2015 which informed them of the following: "I am providing the individuals who are copied on this email of notice that I am in contact with Thomas Ford's attorney to provide assistance to Mr. Ford's case of discrimination and retaliation against TDCJ. I am also considering joining that litigation as a plaintiff to assert my rights for violations against me similar to those suffered by Mr. Ford. Thank you for your attention to this notice."</p> <p>Less than three weeks later, starting on or about August 10, 2015, I was subjected to acts and omissions from one or more of my supervisors who were copied on the email that placed my life in danger and resulted in bodily injury and emotional damage with a diagnosis of PTSD from a medical professional. Following these events, TDCJ has continued to retaliate against me for my protected activity by treating me differently and worse than individuals who have not engaged in protected activity by denying or delaying benefits to me that are required to address the injuries I have suffered as described above.</p> <p>I believe that I was retaliated against based on my protected activity as described above, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
I declare under penalty of perjury that the foregoing is true and correct.		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	
Date <b>4-27-16</b> Charging Party (Signature) <i>Larry D. Jones</i>			



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Houston District Office**

Mickey Leland Federal Building  
1919 Smith Street, 7<sup>th</sup> Floor  
Houston, TX 77002

Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-6820  
Houston Status Line: (866) 408-8075  
Houston Direct Dial: (713) 651-4900  
TTY (713) 651-4901  
FAX (713) 651-4902  
Website: [www.eeoc.gov](http://www.eeoc.gov)

Larry D. Jones

Huntsville, Texas 77340

Charge Number: 460-2016-02621  
Respondent: Texas Department of Criminal Justice

Dear Mr. Jones:

The Commission has received your request for Notice of Right to Sue in the above referenced charge. Your request has been forwarded to the U.S. Department of Justice for action. That Agency will act on your request as soon as possible and issue the Notice directly to you.

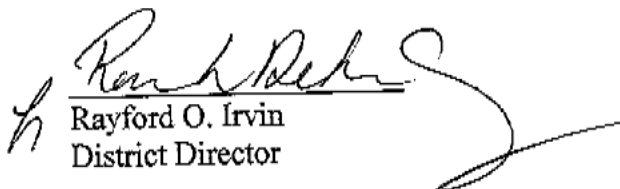
If you have any questions, please write to:

U.S. Department of Justice  
Civil Rights Division  
Chief, Employment Litigation Section  
Patrick Henry Building, Room 4239  
950 Pennsylvania Ave., NW  
Washington, DC 20530  
Attention: Karen L. Ferguson

Sincerely,

MAY 05 2016

Date

  
Rayford O. Irvin  
District Director

Texas Workforce Commission Civil Rights Division  
101 East 15<sup>th</sup> Street, Room 144-T  
Austin, Texas 78778-0001

Robert Notzon  
The Law Office of Robert Notzon  
1502 West Avenue  
Austin, Texas 78701



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL

7010 0290 0000 2017 5211

950 Pennsylvania Avenue, N.W.

Karen Ferguson, EMP, PHB, Room 4239

Washington, DC 20530

May 10, 2016

Mr. Larry D. Jones  
c/o Robert S. Notzon, Esquire  
Law Office of Robert S. Notzon  
1502 West Ave.  
Austin, TX 78701

Re: EEOC Charge Against Texas Dept. of Criminal Justice  
No. 4602010602621

Dear Mr. Jones:

Because you filed the above charge with the Equal Employment Opportunity Commission, and the Commission has determined that it will not be able to investigate and conciliate that charge within 180 days of the date the Commission assumed jurisdiction over the charge and the Department has determined that it will not file any lawsuit(s) based thereon within that time, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Houston District Office, Houston, TX.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Vanita Gupta  
Principal Deputy Assistant Attorney General  
Civil Rights Division

by

Handwritten signature of Karen L. Ferguson in blue ink.

Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: Houston District Office, EEOC  
Texas Dept. of Criminal Justice