



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 21 2010

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail #7004-1160-0002-3622-5942

**In Reply Refer to:**

EPA File No: 09R-09-R6

Mr. Gregory R. Mitchell  
Post Office Box 74054  
Baton Rouge, Louisiana 70807

**Re: Dismissal without prejudice of Administrative Complaint**

Dear Mr. Mitchell:

This letter concerns your complaint dated October 2, 2009, which you filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) alleging that the City of Baton Rouge has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7. The complaint was dismissed without prejudice on March 11, 2010 because of related pending litigation.

OCR's standard practice is to dismiss without prejudice administrative complaints where the same subject matter is involved in a pending adjudicative proceeding. A decision has been issued by the State of Louisiana Court of Appeal, First Circuit, in case number 2009 – CA – 1076, which involved the North Waste Water Treatment Plant. You have indicated that you intend to appeal this decision. The adjudicative process, therefore, has not yet concluded and the court's decision in the appeal may impact the administrative complaint filed with OCR. Therefore, OCR will not accept your administrative complaint at this time.

However, this complaint may be re-filed within 60 calendar days of the conclusion of the adjudicative process. If you choose not to appeal the decision issued by the Court of Appeal, that would end the adjudicative process, and you should so inform my office immediately. If you choose to re-file the complaint, OCR will then proceed with its preliminary review to determine acceptance, rejection, or referral. Further, OCR may choose not to proceed with a complaint investigation if the allegations in the complaint were substantively decided by the state court.

If you have any questions, please contact Ms. Ericka Farrell of my staff at (202) 343-9224, via e-mail at [farrell.ericka@epa.gov](mailto:farrell.ericka@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

A handwritten signature in black ink, reading "Rafael DeLeon". The signature is fluid and cursive, with the first name "Rafael" being more prominent and the last name "DeLeon" following in a similar style.

Rafael DeLeon  
Acting Director

cc: Katherin E. Hall, Assistant General Counsel  
Civil Rights and Finance Law Office (MC 2399A)

Manuela (Nellie) Roblez,  
EPA Region 6