NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 21, 2025*
Decided October 24, 2025

Before

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-2113

JULIÁN ANDERSON-MARTÍN, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.
v.	No. 3:23-CV-592-GSL-MGG
CATHOLIC CHARITIES, *Defendant-Appellee*.	Gretchen S. Lund, *Judge*.

O R D E R

Julián Anderson-Martín, a counselor formerly employed by Catholic Charities, appeals the district court's judgment dismissing his employment-discrimination complaint as untimely. We affirm.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

According to documents that Anderson-Martín attached to his complaint, Catholic Charities, a community-services provider, hired him as a counselor in 2020. Two years later, he filed a charge with the Equal Employment Opportunity Commission (EEOC) against Catholic Charities alleging retaliation and that his supervisors had discriminated against him based on his disabilities (Dyslexia and Muscular Tourette's), national origin (Puerto Rican), and sex (male).[1] An EEOC representative investigated the claims and on March 23, 2023, issued Anderson-Martín a Notice of Right to Sue via email, specifying that he had ninety days to file a lawsuit against the organization.

Ninety-five days later, on June 26, 2023, Anderson-Martín filed his complaint, alleging that Catholic Charities created a hostile work environment, retaliated against him for requesting reasonable accommodations, and violated his rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e–2000e-17, and the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12112–12117.

On Catholic Charities' motion, the district court dismissed the action as time-barred.[2] Both Title VII and the ADA required him to file suit within ninety days of

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[1] The nature of the alleged discriminatory conduct is not clear. Anderson-Martín alleged, for instance, that the organization instructed him to comply with burdensome office protocols, threatened to fire him if he failed to pass a state counselor licensing exam, and transferred him to a school with predominantly white students.

[2] The parties litigated the statute of limitations under Federal Rule of Civil Procedure 12(b)(6). But the expiration of a statute of limitations is an affirmative defense, *see* FED. R. CIV. P. 8(c)(1), that plaintiffs need not anticipate in a complaint. And Rule 12(b)(6) is therefore not the appropriate basis to seek dismissal. *Richards v. Mitcheff*, 696 F.3d 635, 637 (7th Cir. 2012). An affirmative defense may be resolved on the pleadings, *see* FED. R. CIV P. 12(c), but if a court considers evidence outside the pleadings, it must treat the motion "as one for summary judgment under Rule 56," *see* FED. R. CIV P. 12(d). The district court here considered a matter outside the pleadings—a March 23, 2023, email from Anderson-Martín to Catholic Charities acknowledging receipt of the Notice of Right to Sue—but it did not treat the motion as one for summary judgment or give Anderson-Martín an opportunity to dispute his receipt of the email on that date. But, that error is harmless because Anderson-Martín submitted the email himself and has never disputed that he received the notice on

receiving notice of the right to sue. *See* 42 U.S.C. § 12117 (incorporating 42 U.S.C. § 2000e-5). Although Anderson-Martín urged that the limitations period was not triggered until he first read the notice on March 26, 2023, the court found that he had received the notice on March 23, 2023, and that the ninety-day filing period was controlled by the date the notice is received, not the date it was read. *See Lax v. Mayorkas*, 20 F.4th 1178, 1182–83 (7th Cir. 2021).

Nearly a month after entry of judgment, Anderson-Martín moved to have counsel recruited for him. The district court denied the motion. The court pointed out that there was no constitutional right to court-appointed counsel in federal civil litigation; that the case, at this stage, did not appear to involve unusually complex facts or legal issues; and that he was able to present his case, given that the facts arose from his personal experience.

Anderson-Martín devotes his brief on appeal to challenging only the district court's denial of his motion to recruit counsel. He argues that his disabilities made him incapable of litigating the case himself and that he was unable to afford paid counsel.

But the court appropriately exercised its discretion in denying Anderson-Martín's motion for counsel. At the time of the motion, the court already had dismissed his complaint as untimely. The court adequately justified its decision by noting that the relevant facts of the case were within his knowledge and that he was able to litigate the relevant legal issues himself. *See Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir. 2007) (en banc).

To the extent Anderson-Martín intends to challenge the court's ruling that his complaint was untimely, he has not developed any argument that would provide a basis to disturb the district court's order. *See* Fed. R. App. P. 28(a)(8). We have independently reviewed the record and agree with the district court that his complaint was untimely. Anderson-Martín needed to file his complaint within ninety days of receipt of the notice, not the date when he read it. *Lax*, 20 F.4th at 1182–83. Relatedly, equitable tolling cannot save his action because he failed to explain how he exercised reasonable diligence in pursuing his claims. *Id.* at 1183.

AFFIRMED

March 23, 2023. *See Loeb Indus. v. Sumitomo Corp.*, 306 F.3d 469, 479 (7th Cir. 2002) (cited in *Federated Mut. Ins. Co. v. Coyle Mech. Supply Inc.*, 983 F.3d 307, 313 (7th Cir. 2020)).