NONPRECEDENTIAL DISPOSITION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 August 4, 2026*
Decided August 5, 2026

Before

DIANE S. SYKES, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-2776

HECTOR AREVALO CARRASCO,
Plaintiff-Appellant,

v.

LUDLOW MANUFACTURING INC.,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 23-cv-15381

Andrea R. Wood,
Judge.

O R D E R

Almost two years after being fired from his job at Ludlow Manufacturing Inc., Hector Arevalo Carrasco filed a disability-discrimination charge with the Equal Employment Opportunity Commission ("EEOC"), which dismissed it as untimely. The district judge dismissed the case for the same reason. 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).

In September 2021, Arevalo Carrasco was working as a welder at Ludlow when a fire broke out at his workstation. The next day, after experiencing chest pain, he underwent open heart surgery. For the next three months, Arevalo Carrasco took short-term disability leave under the Family and Medical Leave Act ("FMLA"). 29 U.S.C. § 2601. Ludlow fired Arevalo Carrasco in December 2021.

Nearly two years later, in October 2023, Arevalo Carrasco filed a charge of disability discrimination with the EEOC alleging that Ludlow fired him for taking disability leave. The EEOC dismissed the charge as untimely. Arevalo Carrasco then sued in the district court alleging that Ludlow discriminated against him on the basis of his disability and retaliated against him. *See* 42 U.S.C. § 12112(a). In September 2024, Arevalo Carrasco filed a second EEOC charge alleging that Ludlow discriminated against him again by refusing to rehire him. The EEOC issued him a notice of right to sue, and he filed a complaint in state court.

Ludlow moved to dismiss the federal action as untimely. The district judge granted Ludlow's motion, reasoning that Arevalo Carrasco did not timely file his charge with the EEOC. Ludlow fired Arevalo Carrasco in December 2021, but Arevalo Carrasco did not file a charge with the EEOC until October 2023, well beyond the 300 days permitted under Title VII of the Civil Rights Act of 1964. *See* 42 U.S.C. § 2000e-5(e)(1). The judge also explained that while untimeliness of an EEOC charge presents an affirmative defense that a plaintiff need not anticipate or overcome in his complaint, the allegations contained in Arevalo Carrasco's complaint set forth everything needed to satisfy the affirmative defense. Lastly, the judge held that it would be futile to permit Arevalo Carrasco leave to file an amended complaint.

Arevalo Carrasco appeals, appearing to argue that his complaint should not have been dismissed because his EEOC charge was timely.[1] Before filing in the district court, litigants must file a timely charge with the EEOC and receive a notice of right to sue. *See Anderson v. United Airlines, Inc.*, 140 F.4th 385, 390 (7th Cir. 2025) (citation omitted); *see also* 42 U.S.C. § 12117(a) (adopting the enforcement procedures governing actions under Title VII for plaintiffs alleging discrimination under the ADA). Arevalo Carrasco contends that he complied with these requirements, but he appears to confuse his federal complaint with his state-court complaint.

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[1] Arevalo Carrasco does not challenge the judge's decision that an amendment would be futile.

We agree with the district judge that his claim was untimely. Arevalo Carrasco did not file with the EEOC until almost two years after he was fired by Ludlow—well outside the 300-day window. *See* § 2000e-5(e)(1). Accordingly, Arevalo Carrasco cannot maintain his federal suit.

AFFIRMED