



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights  
Office of External Civil Rights Compliance

November 8, 2022

**In Reply Refer to:**

EPA Complaint No. 03X-23-R5

Mike Brown  
Warden  
Kinross Correctional Facility  
4533 West Industrial Park Drive  
Kincheloe, MI 49788  
brownm41@michigan.gov

**Re: Rejection and Referral of Administrative Complaint**

Dear Warden Brown:

This letter relates to the referenced administrative complaint which U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) received on a complaint on November 2, 2022, involving the Kinross Correctional Facility and alleges violations of the individual's rights under the Thirteenth, Fourteenth, Fifteenth, and Nineteenth Amendments of the United States' Constitution.

After careful review, OECRC has determined that OECRC is rejecting the complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. However, OECRC is referring the complaint to the U.S. Department of Justice (DOJ).

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

The correspondence does not meet the jurisdictional requirements of the EPA's nondiscrimination regulation at 40 CFR Part 7. Specifically, the Kinross Correctional Facility is not a recipient of EPA financial assistance, and the constitutional violations alleged are beyond OECRC's jurisdictional authorities. As a result, the OECRC must reject your complaint and close this case as of the date of this letter.

Because the U.S. Department of Justice (DOJ), Civil Rights Division may have jurisdiction, OECRC will refer the complaint to DOJ for appropriate action. A copy of the letter to DOJ is enclosed with this correspondence. Please contact Steven Rosenbaum at DOJ for information regarding the referral of this complaint. Mr. Rosenbaum's contact information is:

U.S. Department of Justice  
Special Litigation Section  
Civil Rights Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
or [steven.rosenbaum@usdoj.gov](mailto:steven.rosenbaum@usdoj.gov)

We are also forwarding to DOJ a copy of the complaint.

If you have any questions about this correspondence, please contact Anhthu Hoang, Acting Director, at (212) 637-5033, by e-mail at [hoang.anhthu@epa.gov](mailto:hoang.anhthu@epa.gov) or by mail at U.S. EPA Office of External Civil Rights Compliance, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

Sincerely,



*for* Anhthu Hoang, Acting Director  
Office of External Civil Rights Compliance  
Office of Environmental Justice and External Civil Rights

Enclosure: DOJ Referral Letter

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office

Cheryl Newton  
Deputy Regional Administrator  
Deputy Civil Rights Official  
US EPA Region 5

Robert Kaplan  
Regional Counsel  
US EPA Region 5