

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

NADEAN GRIFFIN and JERRY	§	
SMOTHERMAN,	§	
	§	
<i>Plaintiffs,</i>	§	Civil Action No. 9:12-cv-145
	§	
v.	§	
	§	
KENNARD INDEPENDENT SCHOOL	§	
DISTRICT,	§	
	§	
<i>Defendant.</i>	§	

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

On September 7, 2012, Plaintiffs Nadean Griffin and Jerry Smotherman filed suit against Defendant Kennard Independent School District (“KISD”), alleging claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq* and 42 U.S.C. § 1983 for racial discrimination and, in the case of Ms. Griffin, gender discrimination. The case was originally referred to United States Magistrate Judge Judith K. Guthrie for determination of non-dispositive pretrial matters pursuant to 28 U.S.C. § 636. Upon Judge Guthrie’s retirement in August 2013, the case was reassigned to United States Magistrate Judge Keith. F. Giblin.

Judge Giblin entered a Report and Recommendation on October 1, 2013, recommending that KISD’s motion for summary judgment be granted. Doc. # 19. Plaintiffs have filed objections. Doc. # 22.

Pursuant to Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b), the court has conducted a *de novo* review of the magistrate judge’s report and recommendation, Plaintiffs’ objections, and the record as a whole, and concludes that Plaintiffs’ objections are without merit.

Plaintiffs' objections center on two areas: whether they made out their prima facie case of discrimination, and whether KISD's reasons for its actions were pretextual. The magistrate judge addressed Plaintiffs' arguments in the Report and Recommendation, and the objections do nothing more than reargue points already considered and dismissed by the magistrate judge. To the extent Plaintiffs argue that the magistrate judge failed to view certain disputed facts—such as whether Plaintiffs were previously classified as production custodians—in the light most favorable to Plaintiffs, the court notes that there is evidence in the record that supports KISD's version of Plaintiffs' job classification, namely the 2008 email sent in connection with the TASB study. Plaintiffs, on the other hand, provide nothing other than their own statements in support of their position. Regardless, even if Plaintiffs' view of their job classification were credited, Plaintiffs have still put forth no valid rebuttal to KISD's legitimate, non-discriminatory reason for reassignment of the school bus routes. This court therefore agrees with the magistrate judge and overrules Plaintiffs' objections.

IT IS THEREFORE ORDERED that Plaintiffs Nadean Griffin and Jerry Smotherman's objections [Doc. # 22] are OVERRULED. The magistrate judge's Report and Recommendation [Doc. # 19] is ADOPTED. Defendant Kennard Independent School District's Motion for Summary Judgment [Doc. # 13] is GRANTED. Final Judgment will be entered by separate order.

So **ORDERED** and **SIGNED** this **21** day of **October, 2013**.



Ron Clark, United States District Judge