

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES E. LAMPTON,)
Plaintiff,)
v.)
SACHEM MOUNTAIN) CASE NO. 1:14-CV-057-WKW
ENTERPRISES, LLC,) [WO]
Defendant.)

MEMORANDUM OPINION AND ORDER

On November 20, 2014, the Magistrate Judge filed a Recommendation in this case. (Doc. # 35.) On December 3, 2014, Plaintiff James E. Lampton filed three motions in response to the Recommendation: (1) a Motion to Object to Summary Judgment (Doc. # 37); (2) a Motion to Object to Court Costs and Proceedings (Doc. # 38); and (3) a Motion to Object to Defendant's Claim Asking for Dismissal (Doc. # 39). The Magistrate Judge construed Plaintiff's motions objecting to summary judgment and Defendant's claim for dismissal (Docs. # 37 & 39) as motions for leave to file objections, which he granted. (Doc. # 42.) The Magistrate Judge also ordered Defendant to show cause why part three of its Recommendation taxing court costs against Plaintiff should not be withdrawn. (Doc. # 40.) Defendant did not respond to Plaintiff's motion objecting to court

costs or the show cause order, and the Magistrate Judge withdrew part three of its Recommendation on January 20, 2015. (Doc. # 41.)

Upon consideration of Plaintiff's remaining objections (Docs. # 37 & 39), this court conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

In his objections, Plaintiff provides three arguments in support of his claims against Defendant: (1) he has “two main witnesses who are currently employed at [D]efendant’s company” who “will testify under oath . . . on [his] behalf”; (2) interrogatories answered by Defendant show a genuine dispute of material fact; and (3) Plaintiff’s “independent witnesses will testify [about] how the company . . . acted out in retaliation” by distributing flyers of Plaintiff’s criminal record in Plaintiff’s neighborhood. (Docs. # 37 & 39.) Plaintiff’s objections are due to be overruled. While Plaintiff asserts that he has supportive witnesses, Plaintiff has failed to provide affidavits or evidence regarding the alleged witness testimony and merely makes conclusory statements as to the presence of genuine disputes of material fact. Further, Plaintiff’s objections fail to cure the deficiencies that the Magistrate Judge cited and elaborated upon in his Recommendation.

Accordingly, it is ORDERED as follows:

1. Plaintiff's objections (Docs. # 37 & 39) are OVERRULED.
2. The Recommendation (Doc. # 35) as amended by the Magistrate Judge's Order (Doc. # 41) is ADOPTED.
3. The Motion for Summary Judgment (Doc. # 30) filed by Sachem Mountain, LLC, is GRANTED.
4. Plaintiff's claims are DISMISSED with prejudice.

A separate judgment will be entered.

DONE this 19th day of February, 2015.

/s/ W. Keith Watkins

CHIEF UNITED STATES DISTRICT JUDGE