

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

CHERRYL OLIVER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:16-CV-677-WKW
	)	(WO)
DOTHAN CITY BOARD OF	)	
EDUCATION,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION AND ORDER**

On October 7, 2016, the Magistrate Judge filed a Recommendation (Doc. # 8) to which Plaintiff timely filed objections. (Doc. # 10.) The court has considered the record and the objections and has conducted an independent and *de novo* review of those portions of the Recommendation to which objections are made. *See* 28 U.S.C. § 636(b). Plaintiff has not shown any error in the Magistrate Judge’s Recommendation that her Title VII claim be dismissed for failure to timely file suit. Plaintiff’s objections and the attached exhibits confirm that she did not file suit within 90 days of receipt of the EEOC’s right-to-sue letter. (Doc. # 10-1 at page 5.)

Accordingly, it is ORDERED:

1. Plaintiff’s objections (Doc. # 10) are OVERRULED;
2. The Recommendation (Doc. # 8) is ADOPTED;

3. Pursuant to 28 U.S.C. § 1915(e)(2)(b)(ii), Plaintiff's Title VII claim against Defendant Dothan City Board of Education is DISMISSED for failure to state a claim upon which relief can be granted because the Title VII claim was not timely filed;

4. Plaintiff's state law defamation claim is DISMISSED without prejudice on grounds that, pursuant to 28 U.S.C. § 1367(c), the court declines to exercise jurisdiction over that claim; and

5. There being no other claims asserted in the Amended Complaint, this case is DISMISSED.

Final judgment will be entered separately.

DONE this 26th day of October, 2016.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE