IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

CLIFFTON B. TRAMMELL,
)

Plaintiff,
)
CIVIL ACTION NO.
v.
)
2:09cv544-MHT
)
(WO)

TYSONS FOOD,
)
Defendant.
)

OPINION

Plaintiff filed this lawsuit asserting both federal and state-law claims. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's case be dismissed—that his federal claim be dismissed because he fails to state a claim under federal law and that his state—law claim be dismissed pursuant to 28 U.S.C. § 1367(c)(3), which provides that a court may decline to exercise supplemental jurisdiction over a state—law claim when the federal claim has been resolved. Section 1367(d) further

provides that the applicable statute of limitations under state law will be tolled 30 days so as to allow a plaintiff time to re-file his state-law claim in state court.

Also before the court are plaintiff's objections to the recommendation. After an independent and de novo review of the record, the court concludes that plaintiff's objections should be overruled and the magistrate judge's recommendation adopted.

An appropriate judgment will be entered.

DONE, this the 26th day of June, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE