

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

DIONDRA JACKSON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:09-CV-604-WKW [WO]
)	
ALABAMA DEPARTMENT OF)	
CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On August 9, 2010, the Magistrate Judge filed an Amended Report and Recommendation (“Recommendation”) in this case. (Doc. # 25.) On August 23, 2010, Plaintiff Diondra Jackson filed an objection to the dismissal of her Title VII claim as time barred. (Doc. # 26.) Ms. Jackson does not challenge the Magistrate Judge’s conclusion that she failed to file her complaint within ninety days of receiving a right-to-sue letter from the Equal Employment Opportunity Commission (“EEOC”). She contends, however, that her delay in commencing this action was the combined consequence of the cessation of attorney representation and her lack of knowledge of filing procedures and deadlines. Ms. Jackson argues that these hindrances justified her delay and that, therefore, she should be excused from the ninety-day filing period. (Doc. # 26.) The Magistrate Judge considered her justifications, but concluded that the circumstances did not warrant equitable tolling of the ninety-day limitations period. (Doc. # 25, at 9-10.) This court agrees.

Upon an independent and *de novo* review of those portions of the Recommendation to which objection is made, 28 U.S.C. § 636(b)(1), the objection lacks merit. For the reasons stated in the Recommendation, Ms. Jackson has not shown “extraordinary circumstances” for the untimely filing. *Jackson v. Astrue*, 506 F.3d 1349, 1353 (11th Cir. 2007). Accordingly, it is ORDERED as follows:

1. The objection (Doc. # 26) is OVERRULED;
2. The Recommendation (Doc. # 25) is ADOPTED; and
3. Defendants’ Motion to Dismiss (Doc. # 15) is GRANTED.

An appropriate judgment will be entered.

DONE this 31st day of August, 2010.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE