

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

TANESHIA ROBINSON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:11-cv-020-MEF
)	
R & L Foods (Wendy's),)	
)	
Defendant.)	

ORDER

On November 21, 2011, the Magistrate Judge filed a Recommendation (Doc. # 33) that this Court grant Defendant’s Motion for Summary Judgment (Doc. # 23) on Plaintiff’s race-based discharge and racially hostile work environment claims. Plaintiff has filed a timely Objection to the Recommendation. (Doc. # 34.) The court reviews *de novo* the portion of the Recommendation to which the Objection applies. 28 U.S.C. § 636(b)(1). For the reasons that follow, the Objection is due to be overruled and the Recommendation adopted.

Plaintiff’s Objection offers nothing but speculative conclusions. As to Plaintiff’s race-based discharge claim, Plaintiff’s assertion that Mrs. Murr (a caucasian senior cash register operator) was terminated “to protect the company” is without factual support. Furthermore, it does nothing to advance Plaintiff’s *prima facie* case. Plaintiff must identify a similarly situated individual outside the protected class who was treated more favorably than Plaintiff, not identically to Plaintiff. Like Plaintiff, Mrs. Murr was terminated.

As to the racially hostile work environment claim, Plaintiff’s subjective feeling that the word “bitch” was used in a racist manner does not convert the word – which in no way

implicates race – into an actionable racial slur. Hurt feelings do not give rise to a cause of action.

Accordingly, it is ORDERED that:

- (1) The Recommendation (Doc. # 33) is ADOPTED;
- (2) Plaintiff's Objection (Doc. # 34) is OVERRULED; and
- (3) Defendant's Motion for Summary Judgment (Doc. # 23) is GRANTED.

An appropriate final judgment will be entered.

DONE this the 12th day of December, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE