

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

MICHAEL CODY WOOD,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:15-CV-273-WKW
)	[WO]
STATE OF ALABAMA, 187th)	
FIGHTER WING, FIRE)	
DEPARTMENT,)	
)	
Defendant.)	

ORDER

On April 24, 2015, Plaintiff filed this lawsuit against Defendant pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. §§ 2000e *et seq.*, asserting claims of discrimination concerning the denial of promotions. On September 1, 2015, Defendant filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), contending that the State Military Department, not the entity or entities named, is Plaintiff’s employer for purposes of Title VII and that the Complaint does not “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Plaintiff did not file a response to the motion to dismiss, although given an opportunity to do so. (*See* Briefing Order (Doc. # 8).)

After careful consideration, the court finds that the arguments and authority cited in Defendant's motion to dismiss are well founded and that Defendant's motion to dismiss is due to be granted for the reasons articulated in its motion. Accordingly, it is ORDERED that Defendant's motion to dismiss (Doc. # 5) is GRANTED and that this action is DISMISSED without prejudice.

A separate final judgment will be entered.

DONE this 29th day of September, 2015.

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