

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

BOOTH T. JAMES, III,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:15cv332-MHT
)	(WO)
MONTGOMERY REGIONAL)	
AIRPORT AUTHORITY, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

Plaintiff, who is pro se, filed this lawsuit asserting claims of retaliation, hostile work environment, harassment, and retaliatory discharge. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendant's motion to dismiss be granted to the extent that plaintiff's Title VII claims should be dismissed and that the motion should be denied in all other respects. There are no objections to the recommendation. After an independent and de novo

review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

Upon review of the record, the court notes that plaintiff may have viable Title VII claims for retaliation, retaliatory hostile work environment, and retaliatory discharge based on his complaints of race discrimination, including his letter to his employer alleging race discrimination, which was not attached to plaintiff's complaint and therefore was not considered by the Magistrate Judge.¹ These claims could potentially be pleaded in a complaint in a manner sufficient to survive a motion to dismiss; therefore, and because plaintiff is proceeding pro se, the dismissal of plaintiff's Title VII claims is properly without prejudice. Should plaintiff seek to pursue such claims, he must seek to leave to file a new amended complaint that adds to his most recent complaint the additional factual allegations supporting

* The court does not express any opinion as to whether these claims are, in fact, meritorious.

such claims.

* * *

Accordingly, it is ORDERED that:

(1) The recommendation of the United States Magistrate Judge (doc. no. 38) is adopted.

(2) Defendants' motion to dismiss (doc. no. 35) is granted with respect to plaintiff's Title VII claims but denied in all other respects, and plaintiff's Title VII claims are dismissed without prejudice.

(3) This case is referred back to the magistrate judge for further proceedings.

DONE, this the 17th day of August, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE