

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

JAMES McDOWELL,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:16cv03-MHT
	)	(WO)
MASSEY AUTO,	)	
	)	
Defendant.	)	

OPINION AND ORDER

Plaintiff filed this lawsuit claiming that defendant unlawfully discriminated against him because of his age in violation of the Age Discrimination in Employment of 1967, 28 U.S.C. § 621634(b), et seq., and the Alabama Age Discrimination Act, Ala. Code § 25-1-29, et seq. Both parties moved for summary judgment. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that both motions for summary judgment be denied. 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.

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Accordingly, it is ORDERED that:

(1) The United States Magistrate Judge's recommendation (doc. no. 36) is adopted.

(2) Defendant's motion for summary judgment (doc. no. 23) is denied.

(3) Plaintiff's motion for summary judgment (doc. no. 26) is denied.

DONE, this the 16th day of June, 2017.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE