

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

DWIGHT H. DAVIS, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ALABAMA DEPARTMENT OF )  
 TRANSPORTATION, as a )  
 person under U.S.C. )  
 § 1983; et al., )  
 )  
 Defendants. )

CIVIL ACTION NO.  
2:16cv583-MHT  
(WO)

OPINION

Plaintiff filed this lawsuit asserting claims of retaliation and retaliatory hostile-work environment pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), Section 504 of The Rehabilitation Act of 1973 (28 U.S.C. § 794), and 42 U.S.C. § 1983; conspiracy to violate civil rights; and several state-law claims (negligent hiring, training, supervision and retention; defamation; and intentional infliction of emotional distress). This lawsuit is now before the court on the recommendation of the United

States Magistrate Judge that defendants' motion to dismiss be granted and this case be dismissed. There are no objections to the recommendation. After an independent and de novo review of the record, and in light of plaintiff's failure to respond to the motion to dismiss as to his second amended complaint and his failure to object to the recommendation, the court concludes that the magistrate judge's recommendation should be adopted, with one exception, and this case dismissed. The court does not adopt that part of the recommendation concluding that plaintiff failed to exhaust administrative remedies as to his Title VII claims. Nevertheless, this does not change the outcome; assuming that plaintiff sufficiently exhausted his administrative remedies, his Title VII retaliation and retaliatory hostile-work environment claims would still be subject to dismissal for the same reasons set forth by the magistrate judge for dismissing his analogous claims under Title VII through the vehicle of

42 U.S.C. § 1983. See Recommendation (doc. no. 56) at  
32-38.

An appropriate judgment will be entered.

DONE, this the 29th day of September, 2017.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE