

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

JAMES LUCAS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 3:15-CV-941-WKW
	)	
STATE OF ALABAMA	)	
DEPARTMENT OF PUBLIC	)	
HEALTH,	)	
	)	
Defendant.	)	

**ORDER**

On January 7, 2016, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4.) Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that the Recommendation of the Magistrate Judge is ADOPTED. It is further ORDERED as follows:

1. Plaintiff's ADA and FMLA claims (Counts Three, Four, and Five) are DISMISSED without prejudice due to Defendant's Eleventh Amendment immunity;

2. Plaintiff's § 1983 claims asserting discrimination and retaliation in violation of 42 U.S.C. § 1981 (included in Counts One and Two) are DISMISSED without prejudice due to Defendant's Eleventh Amendment immunity; and

3. This case is REFERRED back to the Magistrate Judge for further proceedings on Plaintiff's Title VII claims.

DONE this 27th day of January, 2016.

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