

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

LATICIA STANLEY,)
)
 Plaintiff,)
)
 v.)
)
 LAWRENCE COUNTY COMMISSION,)
)
 Defendant.)

Case No.: 5:11-cv-01583-KOB

MEMORANDUM OPINION

This matter comes before the court on the “Defendant’s Motion for Summary Judgment” (doc. 25) and “Motion to Strike Portions of Plaintiff’s Brief” (doc. 32). The magistrate judge filed a report and recommendation on January 7, 2014 (doc. 37), recommending that the court DENY the motion to strike and GRANT the defendant’s motion for summary judgment on the only remaining Title VII race discrimination claim. No party filed any objections.

The court has carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge’s report and recommendation. The court ADOPTS the magistrate judge’s report and ACCEPTS his recommendations that the court deny the motion to strike (doc. 32) and grant the defendant’s motion for summary judgment (doc. 25).


Regarding the motion to strike, the court finds that the motion to strike is due to be DENIED because the court’s consideration of the facts subject to the motion to strike does not impact its ultimate determination on the motion and failure to consider these facts as undisputed would be unduly harsh to the pro se plaintiff.

Moreover, the court finds that the defendant’s motion for summary judgment is due to be GRANTED because the plaintiff’s Title VII claim is time-barred by the limitations of 42 U.S.C.

§ 2000e-5(b)(1). The court also finds that the plaintiff failed to demonstrate that equitable tolling is warranted; that the facts demonstrate that the defendant did not deliberately conceal information; and that the plaintiff failed to act with due diligence in pursuing her rights. As such, the motion for summary judgment is due to be granted.

The court will enter a separate Order in conformity with this Memorandum Opinion.

DONE and ORDERED this 31st day of January, 2014.


KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE