

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ANLANDO McMILLIAN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	13-00335-CB-N
PATRICK R. DONAHOE,)	
Postmaster General,)	
)	
Defendant.)	

ORDER

This Magistrate Judge has issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), recommending that the Motion for Summary Judgment filed by the Plaintiff be denied and that the Motion for Summary Judgment filed by the Plaintiff be granted. (Doc. 47.) Plaintiff has filed an objection asserting facts that either were, or could have been, raised in summary judgment briefing. Those additional facts,¹ even if true, have no bearing on the Magistrate Judge’s conclusion that the incident complained did not rise to the level of severe or abusive conduct and, therefore, failed to support a prima facie case of sexual harassment discrimination or hostile work environment retaliation.

¹ Plaintiff argues that two additional facts should be taken into consideration. First, he claims that the alleged harasser was not on duty the day the incident occurred. That fact has nothing to do with whether the incident amounted to sexual harassment. Second, he states that a supervisor came to the scene and can corroborate his claim. Corroboration is not the issue. Even if the incident happened as Plaintiff says it did, it does not rise to the level of discrimination or retaliation actionable under Title VII.

For the foregoing reasons, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** the Report and Recommendation of the Magistrate Judge.

DONE and **ORDERED** this the 18th day of August, 2014.

s/Charles R. Butler, Jr.

Senior United States District Judge