

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DAVID HONEYCUTT

PLAINTIFF

v.

Civil No. 09-3043

FEDEX FREIGHT SYSTEM, INC.

DEFENDANT

O R D E R

Now on this 16th day of October, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. James R. Marschewski** (document #11, filed August 31, 2009), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, **Fed Ex's Motion to Dismiss (Doc. #8)** is hereby granted in part and denied in part. It is granted with respect to the following: (1) any promotions denied the plaintiff which occurred more than one-hundred and eighty days prior to February 5, 2009; (2) any corrective actions which occurred more than one-hundred and eighty days prior to February 5, 2009; and (3) any claim plaintiff has based on FedEx's opposition to his claim for unemployment benefits.

IT IS SO ORDERED.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE