

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

BRIAN H. THORNTON

PLAINTIFF

VS.

CASE NO. 12-CV-6044

UNITED PARCEL SERVICE, INC.

DEFENDANT

JUDGMENT

Before the Court is the Report and Recommendation filed on October 23, 2013 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 42). Judge Bryant recommends that Defendant's Motion for Summary Judgement (ECF No. 25) be granted. Plaintiff has filed an objection to the Report and Recommendation and Defendant has filed a response. (ECF Nos. 43-44). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

Plaintiff's Amended Complaint alleges claims for sexual harassment and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e. More specifically, Plaintiff alleges that his male supervisor, Herb Washington, sexually harassed him and that he was retaliated against for engaging in protected union activities. Judge Bryant recommends that Defendant's summary judgement motion be granted and that Plaintiff's case be dismissed with prejudice. Judge Bryant found that Plaintiff's only sexual harassment evidence—his own uncorroborated affidavit—was insufficient to demonstrate a triable fact issue. As to the retaliation claim, Plaintiff did not respond to Defendant's summary judgment arguments on this issue. Nonetheless, Judge Bryant examined the retaliation evidence contained in Plaintiff's Amended Complaint and affidavit and found that it

was insufficient to demonstrate a triable fact issue.

Plaintiff has filed objections to the Report and Recommendation, but he has not directed the Court to any specific portion of the report that is in error. *See* 28 U.S.C. § 636(b)(1). Rather, Plaintiff generally argues that Defendant's motion for summary judgment should be denied because Plaintiff's evidence creates triable issues of fact. These arguments were adequately considered and addressed in Judge Bryant's Report and Recommendation. Accordingly, the Court will not rehash them here.

The Court finds no error in Judge Bryant's conclusions. Accordingly, the Court overrules Plaintiff's objections and adopts Judge Bryant's Report and Recommendation. (ECF No. 42). For the reasons stated herein and above, as well as those contained in the Report and Recommendation, Defendant's Motion for Summary Judgment (ECF No. 25) should be and hereby is **GRANTED**. Plaintiff's Amended Complaint is hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED, this 17th day of January, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge