

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

CARRIE J. RHODES,

Plaintiff,

v.

CASE NO. 4:11cv153-RH/CAS

SUPERVISOR OF ELECTIONS,  
LEON COUNTY,

Defendant.

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**ORDER OF DISMISSAL**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 35, and the objections, ECF No. 36. I have reviewed *de novo* the issues raised by the objections.

The report and recommendation is correct and is adopted as the court's opinion, with this minor correction. An earlier order made Local Rule 56.1 inapplicable in this case. *See* Scheduling and Mediation Order entered June 15, 2011, ECF No. 8. But that does not affect the analysis in the report and recommendation or the conclusion that the defendant is entitled to summary judgment.

The bottom line is this. The undisputed evidence establishes that the plaintiff engaged in unprofessional conduct at work, was unapologetic, and was given the option of resigning or being fired. Race had nothing to do with it. The defendant reasonably classified the plaintiff as ineligible for rehire. The plaintiff filed a charge of racial discrimination, but even if she had a good-faith basis for doing so—not an obvious proposition—the defendant did not retaliate against her; to the contrary, the defendant already had classified the plaintiff as ineligible for rehire. It was reasonable, and not a violation of Title VII or the Florida Civil Right Act, for the defendant to truthfully respond to a prospective employer’s question whether the plaintiff was eligible for rehire.

For these reasons and those set out a greater length in the report and recommendation,

IT IS ORDERED:

The report and recommendation is ACCEPTED. The defendant’s motion for summary judgment, ECF No. 19, is GRANTED. The clerk must enter judgment stating, “The complaint is dismissed with prejudice.” The clerk must close the file.

SO ORDERED on July 10, 2012.

s/Robert L. Hinkle  
United States District Judge