

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

GANNON LASSEIGNE,

Plaintiff,

v.

MARY JO WHITE

as Chairman of the Securities and  
Exchange Commission,

Defendant.

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CIVIL ACTION FILE  
NO. 1:14-CV-3156-TWT

**ORDER**

This is an employment discrimination action. It is before the Court on the Report and Recommendation [Doc. 45] of the Magistrate Judge recommending granting in part and denying in part the Defendant's Motion to Dismiss [Doc. 30]. For the reasons set forth in the thorough and well-reasoned Report and Recommendation, the Plaintiff failed to exhaust administrative remedies as to his hostile work environment claim. The Court will not consider the new arguments and evidence that were not submitted to the Magistrate Judge. With respect to the retaliation claim, the only adverse employment action alleged is the unacceptable performance appraisal of February 6, 2013. Any claim of a Privacy Act violation cannot be based upon the investigation by OPM. The Court approves and adopts the Report and

Recommendation as the judgment of the Court. The Defendant's Motion to Dismiss  
[Doc. 30] is GRANTED in part and DENIED in part.

SO ORDERED, this 8 day of February, 2016.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge