

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

DAVID PUCKETT,

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Plaintiff,

:

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v.

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CIVIL ACTION NO.

2:13-CV-0131-RWS

BOARD OF TRUSTEES OF THE
FIRST BAPTIST CHURCH OF
GAINESVILLE, INC. and FIRST
BAPTIST CHURCH OF
GAINESVILLE,

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Defendants.

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ORDER

This case is before the Court for consideration of the Report and Recommendation [53] of Magistrate Judge J. Clay Fuller. After reviewing the Report and Recommendation and Plaintiff’s Objections [56] thereto, the Court enters the following Order.

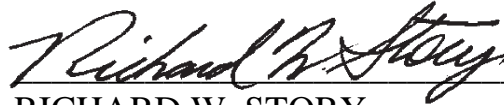
In his Objections, Plaintiff asserts that a claim for retaliation under the Americans With Disabilities Act (“ADA”) is clearly stated in the original Complaint if one reviews the Complaint in its entirety. Therefore, Plaintiff asserts that the Court’s previous decisions failing to recognize the presence of the claim were in error. Further, Plaintiff argues that if the claim is not included

in the original Complaint, he should be permitted to amend his Complaint in order to clearly state his ADA retaliation claim.

The Court has considered Plaintiff's arguments and finds that each of these arguments is addressed in the Report and Recommendation. The Court receives the Report and Recommendation with approval and adopts it as the Opinion and Order of this Court. The original Complaint did not clearly state a cause of action for retaliation under the ADA. The briefing of the parties and the Court's previous rulings made clear that an ADA retaliation claim was not included in the Complaint. Further, Plaintiff is unable to satisfy the good cause requirement of Rule 16 for an amendment at this time.

Therefore, Plaintiff's Motion to Amend [49] is **DENIED**.

SO ORDERED, this 15th day of April, 2015.



RICHARD W. STORY
UNITED STATES DISTRICT JUDGE