

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JAMES JOSEPH USRY,)
)
 Plaintiff,)
)
 v.) CV 112-163
)
 INGLES MARKETS, et al.,)
)
 Defendants.)

ORDER

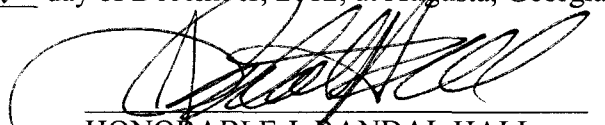
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. no. 10). In his amended complaint, Plaintiff, who is proceeding *pro se* and *in forma pauperis*, attempted to raise claims alleging employment discrimination and retaliation. (See doc. no. 7.) Because he is proceeding *in forma pauperis*, Plaintiff's amended complaint was screened pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) & (ii), and the Magistrate Judge recommended that Plaintiff's case be dismissed for failure to state a claim for employment discrimination or retaliation based on disability or race pursuant to Title VII and the Americans with Disabilities Act. (See generally doc. no. 8.) Although Plaintiff's objections are without merit and thus do not warrant an in-depth discussion, the Court will briefly address their shortcomings on a general level.

In dismissing Plaintiff's amended complaint, the Magistrate Judge described in detail the requisite criteria for stating the claims that Plaintiff attempted to assert and clearly

explained how Plaintiff had failed to meet those criteria. (Id. at 4-8.) Notably, at an earlier stage in this case, Plaintiff was directed to amend his original complaint for failure to provide sufficient background information and facts to support the discrimination and retaliation claims that he attempted to assert. (Doc. no. 6, pp. 3-4.) Now, in his objections, Plaintiff has provided a number of additional details concerning his claims – specifically, the circumstances of his termination, the nature of his disability, and his qualifications for the position from which he was fired – but he conspicuously continues to fail to connect whatever unfortunate events he may have experienced to any actual discrimination on the parts of Defendants. (See doc. no. 10, p. 2.) Without any demonstration of such a connection, Plaintiff’s attempt to bring claims for employment discrimination and retaliation must necessarily fail, even in consideration of the additional information that Plaintiff has now submitted.

In sum, Plaintiff’s objections provide no grounds for departure from the Magistrate Judge’s recommendation that his complaint be dismissed. Any objections not specifically addressed in this Order are likewise without merit and do not warrant further discussion. Accordingly, Plaintiff’s objections are **OVERRULED**, and the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff’s amended complaint is **DISMISSED** for failure to state a claim upon which relief may be granted, and this civil action is **CLOSED**.

SO ORDERED this 11th day of December, 2012, at Augusta, Georgia.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA