

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

JOHN H. HENDRIX,)	
)	
Plaintiff,)	
v.)	Case No. 09-CV-2027
)	
BLAGER CONCRETE CO., MCLEAN)	
COUNTY READY MIX CO., and)	
TEAMSTERS LOCAL 26,)	
)	
Defendants.)	

ORDER

On April 28, 2009, two Reports and Recommendations (#29, #30) were filed by Magistrate Judge David G. Bernthal in the above cause. On May 7, 2009, Plaintiff filed his pro se Objection to the Reports and Recommendations (#31). This court has carefully reviewed Judge Bernthal's Reports and Recommendations and Plaintiff's pro se Objection. Following this court's careful de novo review, this court agrees with and accepts Judge Bernthal's Reports and Recommendations (#29, #30). This court finds that Judge Bernthal thoroughly set out the applicable law and that his Reports and Recommendations provide a well reasoned application of the law to the facts of this case.

IT IS THEREFORE ORDERED THAT:

- (1) The Reports and Recommendations (#29, #30) are accepted by this court.
- (2) The Motion to Dismiss (#15) filed by Defendant Blager Concrete Co. is GRANTED in part and DENIED in part. The claims in Plaintiff's pro se Complaint (#4) related to Plaintiff's discharge, retaliation, racial harassment and age discrimination are dismissed with prejudice. The claim in Plaintiff's pro se Complaint (#4) that Defendant Blager Concrete Co. discriminated against

him in the terms and conditions of his employment because of his race remains pending. Defendant Blager Concrete Co. is allowed twenty-one (21) days to answer or otherwise respond to Plaintiff's remaining claim.

(3) The Motion to Dismiss (#21) filed by Defendant Teamsters Local 26 is GRANTED. All claims in Plaintiff's pro se Complaint (#4) against Defendant Teamsters Local 26 are dismissed with prejudice. Defendant Teamsters Local 26 is terminated as a party to this case.

(4) This case is referred to Judge Bernthal for further proceedings.

ENTERED this 20th day of May, 2009

s/ Michael P. McCuskey
MICHAEL P. McCUSKEY
CHIEF U.S. DISTRICT JUDGE