

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

MARQUITA BUCHANAN

PLAINTIFF

V.

CIVIL ACTION NO. 4:16-CV-200-SA-JMV

CCA TALLAHATCHIE COUNTY
CORRECTIONAL FACILITY

DEFENDANTS

ORDER

Marquita Buchanan filed her form Complaint [1] in this Court on September 19, 2016 alleging that she was fired from her position at the CCA Tallahatchie County Correctional Facility because of her race and gender in violation of Title VII of the Civil Rights Act. The Magistrate Judge assigned to this case filed a Report and Recommendation [11] recommending that this case be dismissed because the claims are time-barred, and because the alleged facts are insufficient to support a plausible claim for relief. The Plaintiff filed a timely objection to the Report, and the Defendant responded, making this issue ripe for review.

Timeliness

The Report finds that the Plaintiff's claim is time barred because she did not file a timely charge with the Equal Employment Opportunity Commission, and did not receive a right to sue letter prior to filing her complaint in this Court. Based on the record in this case, and considering the Plaintiff's Objection, the Court agrees that the Plaintiff failed to file a timely charge with the EEOC, and her claim is therefore time-barred. The Report also concluded that the Plaintiff failed to raise any grounds for equitable tolling that could extend the time for filing. Although the Plaintiff reiterates some of the facts surrounding her termination in her Objection, she does not raise any grounds for equitable tolling not addressed by the Report.

Plausible Claim for Relief

In her Report, the Magistrate Judge further reasons that even if the Plaintiff's claims were timely, the facts as alleged fail to meet the plausibility standard of Federal Rule of Civil Procedure 12(b)(6). After reviewing the entire record including the Plaintiff's Objection, the Court agrees. The Plaintiff's pleadings are wholly devoid of facts that could support a claim under Title VII for discrimination based on race or gender.

The Report also put the Plaintiff on notice that should she fail to raise sufficient grounds to cure the defects in her pleadings by way of her Objection, her case would be subject to dismissal. The Court finds that the Plaintiff failed to raise any grounds sufficient to warrant re-pleading in this case. The defects in her complaint are incurable, her claims are time-barred, and her pleadings fail to state a plausible claim for relief.

The Report and Recommendation [11] issued by the Magistrate Judge in this case is approved and adopted as the Opinion, findings of fact, and conclusions of law of this Court.

This case is DISMISSED with prejudice. This CASE is CLOSED.

So ORDERED on this the 3rd day of March, 2017.

/s/ Sharion Aycock
UNITED STATES DISTRICT COURT JUDGE