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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Daniel Kirkland,  
Plaintiff  
vs.  
Bally's Hotel and Casino,  
Defendant

Case No.: 2:13-cv-00499-JAD-PAL

**Order Adopting Report and  
Recommendation [Doc. 5] and  
Dismissing Claims from Plaintiff's  
Amended Complaint [Doc. 4]**

Daniel Kirkland is suing Bally's Hotel and Casino *in forma pauperis* for Bally's decision not to hire him as a poker dealer and the Rio Casino and Hotel's subsequent decision to discharge him on May 14, 2012. Doc. 4. Upon initial screening, the Court allowed Plaintiff to file an amended complaint, giving him a second chance to state claims upon relief which relief could be granted. Doc. 2. Plaintiff filed an amended complaint on May 8, 2013, Doc. 4, and after rescreening, Magistrate Judge Peggy Leen recommended that Plaintiff's Title VII retaliation claim and 42 U.S.C. § 1983 claim be dismissed for failure to state a cognizable claim upon which relief can be granted. Doc. 5 at 4. Judge Leen found that Plaintiff did state a Title VII discrimination claim and did not recommend dismissal on that count. *See id.* at 3–4. Plaintiff has filed no objection to Judge Leen's Order and Report and Recommendation.

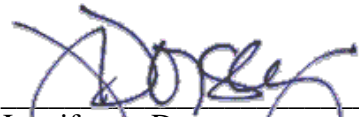
The Court has considered Judge Leen's Report and Recommendation and Kirkland's Amended Complaint consistent with 28 U.S.C. § 636, Local Rule 3-2, and applicable case law, and good cause appearing:

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It is **ORDERED** that Judge Leen's Report and Recommendation is **ADOPTED [Doc. 5]**.

It is **FURTHER ORDERED** that Plaintiff's Title VII retaliation claim and 42 U.S.C. § 1983 claim in the Amended Complaint are **DISMISSED** for failure to state a claim upon which relief can be granted, leaving Plaintiff's Title VII discrimination claim as the only surviving claim.

Dated November 6, 2013.



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Jennifer A. Dorsey  
United States District Judge