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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SEBASTIAN HERRERA,

Plaintiff(s),

v.

RIO PROPERTIES, LLC,

Defendant(s).

Case No. 2:14-CV-2219 JCM (GWF)

ORDER

Presently before the court is defendant Rio Properties LLC d/b/a Rio All Suite Hotel and Casino's (hereinafter "defendant") motion for partial dismissal. (Doc. # 6). Plaintiff Sebastian Herrera (hereinafter "plaintiff") filed a response. (Doc. # 8). Defendant did not file a reply, and the deadline to reply has now passed.

This is an employment case. Plaintiff brought the instant action alleging that defendant discriminated against him by terminating his employment due to his disability. Plaintiff's complaint asserts claims for wrongful termination under the Americans with Disabilities Act ("ADA"), violation of the Rehabilitation Act, and retaliation under the ADA. (Doc. # 1).

In its motion, defendant asks the court to dismiss plaintiff's second cause of action for violation of the Rehabilitation Act ("the act"). Defendant argues that dismissal of this claim is proper because defendant does not receive federal assistance under the act and thus is not subject to it. (Doc. # 6).

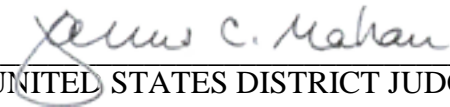
In his response, plaintiff states that he does not oppose defendant's motion to the extent that it seeks dismissal of plaintiff's second cause of action. (Doc. # 8). The court will therefore grant defendant's motion and dismiss plaintiff's second cause of action.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for partial dismissal, (doc. # 6), be, and the same hereby is, GRANTED. Plaintiff's second cause of action for violation of the Rehabilitation Act is hereby DISMISSED.

DATED June 30, 2015.


UNITED STATES DISTRICT JUDGE