THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:22-cv-00116-MR-WCM

RACHEL J. HENSLEY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**O R D E R**
	)	
WALMART ASSOCIATES, INC.,	)	
	)	
Defendant.	)	
_____	)	

THIS MATTER is before the Court on the Defendant's Partial Motion to Dismiss Plaintiff's Amended Complaint [Doc. 10] and the Magistrate Judge's Memorandum and Recommendation [Doc. 16] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the above-referenced motion and to submit a recommendation for its disposition.

On November 4, 2022, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the pending motion. [Doc. 16]. The parties were

advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation regarding the pending motion.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 16] is **ACCEPTED**, and the Defendant's Motion to Dismiss [Doc. 10] is **GRANTED IN PART** and **DENIED IN PART** as follows:

(1) The Motion is **DENIED AS MOOT** with respect to claim for a violation of Title VII;

(2) The Motion is **DENIED AS MOOT** with respect to the Plaintiff's claim of wrongful discharge in violation of public policy; and

(3) The Motion is **GRANTED** with respect to the Plaintiff's claim of intentional infliction of emotional distress, and this claim is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: November 21, 2022

Martin Reidinger
Chief United States District Judge