

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL A. FISHER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JAMES R. NICHOLSON, Secretary of )  
 United States Department of Veterans )  
 Affairs, )  
 )  
 Defendant. )

Case No. CIV-08-464-M

**ORDER**

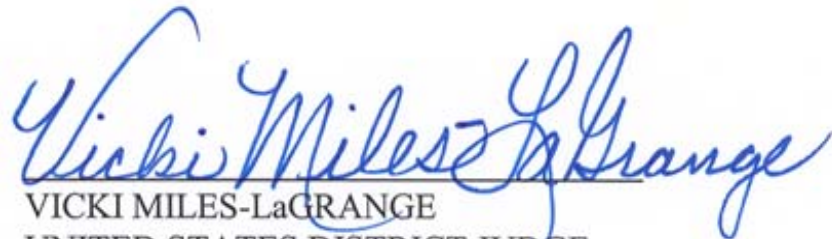
Before the Court is defendant’s Motion to Dismiss, filed November 17, 2008. On December 2, 2008, plaintiff filed his response.

On May 2, 2008, plaintiff filed the instant action against defendant alleging employment discrimination. Pursuant to Federal Rule of Civil Procedure 12(b)(1), defendant now moves this Court for partial dismissal of plaintiff’s Complaint. Specifically, defendant moves this Court to dismiss plaintiff’s constitutional, statutory, contract, and estoppel claims. In his response, plaintiff simply states that he objects to defendant’s motion and requests that it not be granted.

“[A] federal employee’s only avenue for judicial relief from federal employment discrimination is through Title VII.” *Belhomme v. Widnall*, 127 F.3d 1214, 1217 (10<sup>th</sup> Cir. 1997) (citing *Brown v. Gen. Servs. Admin.*, 425 U.S. 820, 828-29 (1976)). The Court, accordingly, finds that it lacks subject matter jurisdiction over plaintiff’s constitutional, statutory, contract, and estoppel claims.

The Court, therefore, GRANTS defendant's Motion to Dismiss [docket no. 6] and DISMISSES plaintiff's constitutional, statutory, contract, and estoppel claims.

**IT IS SO ORDERED this 3rd day of February, 2009.**

  
VICKI MILES-LaGRANGE  
UNITED STATES DISTRICT JUDGE