

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FAYE R. HOBSON,)
)
 Plaintiff,)
)
 v.)
)
 RETIRED GENERAL JAMES MATTIS,)
 Secretary, Department of Veterans)
 Affairs,)
)
 Defendant.)

**Case No. 3:14-cv-01540
Judge Aleta A. Trauger**

ORDER

As an initial matter, the court takes judicial notice that Retired General James Mattis was confirmed as Secretary of Defense on January 20, 2017. He is automatically substituted as the defendant in this action by operation of Rule 25(d) of the Federal Rules of Civil Procedure. The Clerk shall make this change on the docket.

Before the court are the plaintiff’s Written Objections (Doc. No. 122) to the magistrate judge’s December 14, 2016 Report and Recommendation (“R&R”), recommending that the defendant’s Motion for Summary Judgment (Doc. No. 95) be granted and this action dismissed.

For the reasons discussed in the accompanying Memorandum, the court **ACCEPTS IN PART AND REJECTS IN PART** the R&R. The court, more specifically, **REJECTS** the recommendation that the plaintiff’s retaliation claim related to her non-selection for the 0310 Secondary English teaching position posted at Request for Personnel Action number 13Jun7XHEKY015490 be dismissed and **DENIES** summary judgment as to that claim.

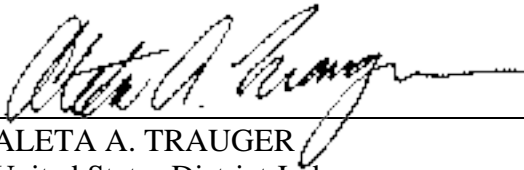
In addition, although neither the defendant’s Motion for Summary Judgment nor the

R&R addresses it, the court finds that the plaintiff has stated a claim based on her non-selection for the 0310 Secondary English position posted in October 2013 under RPA 19211; that claim also survives summary judgment.

In all other respects, the plaintiff's objections are **OVERRULED** and the R&R is **ACCEPTED**. Summary judgment is **GRANTED** with respect to the other claims in the Verified Complaint or raised elsewhere in the plaintiff's filings.

The trial will be rescheduled by separate order.

It is so **ORDERED**.



ALETA A. TRAUGER
United States District Judge