

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOSEPH E. BOOKER, JR.
Plaintiff,
v.
BAKERY, CONFECTIONERY,
TOBACCO WORKERS AND GRAIN
MILLERS UNION LOCAL 149, and
LETITIA MALONE,
Business Agent,
Defendants.

No. 2:14-cv-02491-JTF-tmp

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

Before the Court is pro se Plaintiff Joseph E. Booker, Jr.’s Complaint filed on June 24, 2014 against Defendants, Bakery, Confectionery, Tobacco Workers and Grain Millers Union Local 149, (“Local 149”), and Union President Letitia Malone, for alleged violations of Title VII of the Civil Rights Act, for failure to file and pursue his employment discrimination claims against his employer, Hostess Brands, Inc. and for engaging in various acts of retaliation based on his age, race, gender and disability. (Compl., ECF No. 1, ¶ 10). The matter has been referred to the Magistrate Judge for administration pursuant to the Federal Magistrate’s Act, 28 U.S.C. §§631-639.

On July 2, 2014, the Magistrate Judge entered an Order granting Plaintiff leave to proceed in forma pauperis, directing that service and process issue as to Defendant Local 149, requiring Plaintiff to serve a copy of all documents on Defendant’s attorneys and to familiarize himself with the Federal and Local Rules of practice before this Court. In the same Order, the

Magistrate issued a report and recommendation, recommending *sua sponte* dismissal of all claims against Defendant Letitia Malone. (ECF No. 5). In her capacity as Union President, the Magistrate concluded that Defendant Malone cannot be held individually liable for discrimination under ADEA or Title VII of the Civil Rights Act. *Mathis v. CWA Local Union 4320*, No. 2:10-cv-1093, 2011 WL 3497189, at \*6 (S.D. Ohio Aug. 9, 2011). No objections have been filed by Plaintiff within the fourteen (14) days allowed pursuant to 28 U.S.C. §636(b)(1)(C) .

Upon review of the Magistrate's report and recommendation and the record in this case, the Court **ADOPTS** the Magistrate's report and recommendation and **DISMISSES** *sua sponte* Defendant Letitia Malone and all claims against her pursuant to Title VII and ADEA. Plaintiff's claims against Bakery, Confectionery, Tobacco Workers and Grain Millers Union Local 149 shall proceed.

**IT IS SO ORDERED** this 16th day of July, 2014.

*s/John T. Fowlkes, Jr.*  
JOHN T. FOWLKES, JR.  
UNITED STATES DISTRICT JUDGE