

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

MONICA HICKMAN,)	
)	
Plaintiff,)	
)	
v.)	No. 17-cv-2734-SHM-tmp
)	
OXFORD IMMUNOTEC GLOBAL PLC,)	
)	
Defendant.)	
)	
)	

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation (the "Report"), submitted on February 22, 2018. (ECF No. 15.) The Report recommends denying Defendant Oxford Immunotec Global PLC's ("Oxford") Motion to Consolidate and Motion to Dismiss, or in the Alternative, for a More Definite Statement (ECF No. 9) "as moot and without prejudice." (Id.) Oxford has not objected, and the deadline to do so has passed.

On October 4, 2017, Hickman filed a pro se complaint against Oxford based on her Equal Employment Opportunity Commission ("EEOC") Charge of Discrimination, alleging

retaliation, in violation of Title VII of the Civil Rights Act of 1964. (Compl., ECF No. 1.)¹

On December 12, 2017, Oxford filed its Motion to Consolidate and Motion to Dismiss, or in the Alternative, for a More Definite Statement. (ECF No. 9.) On December 29, 2017, United States Magistrate Judge Tu M. Pham granted Oxford's Motion to Consolidate this action with Hickman v. Oxford Immunotec Global PLC, 2:17-2299-SHM-tmp (W.D. Tenn.). (ECF No. 10.) The Magistrate Judge reserved ruling on Oxford's Motion to Dismiss, or in the Alternative, for a More Definite Statement for a Report and Recommendation. (Id.)

On January 31, 2018, Hickman filed a Motion to Amend Complaint. (ECF No. 12.) The Magistrate Judge granted Hickman's Motion to Amend Complaint on February 22, 2018. (ECF No. 14.)

Also on February 22, 2018, the Magistrate Judge submitted the Report. (ECF No. 15.) It recommends denying Oxford's Motion to Dismiss, or in the Alternative, for a More Definite Statement without prejudice because Hickman's amended complaint

¹ On April 28, 2017, Hickman filed a pro se complaint against Oxford based on her Equal Employment Opportunity Commission ("EEOC") Charge of Discrimination, alleging discrimination based on race, age, and disability, as well as retaliation, in violation of Title VII of the Civil Rights Act of 1964. (Hickman v. Oxford Immunotec Global PLC, 2:17-2299-SHM-tmp (W.D. Tenn.), Compl., ECF No. 1.) Hickman's October 4, 2017 complaint alleges additional retaliatory acts in violation of Title VII arising from the same incidents in her April 28, 2017 complaint.

supersedes her original complaint. (Id. at 347.)² Oxford did not file an objection.

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district-court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). For dispositive matters, “[t]he district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). After reviewing the evidence, the court is free to accept, reject, or modify the magistrate judge’s proposed findings or recommendations. 28 U.S.C. § 636(b)(1). The district court is not required to review -- under a de novo or any other standard -- those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the magistrate judge’s findings and rulings to which no specific objection is filed. Id. at 151.

Oxford has not objected to the Report. Therefore, the Report should be adopted. See Arn, 474 U.S. at 150-51.

² Unless otherwise noted, all citations to the record refer to the “PageID” number.

For the foregoing reasons, the Report is ADOPTED, and Oxford's Motion to Dismiss, or in the Alternative, for More Definite Statement, is DENIED without prejudice.

So ordered this 27th day of March, 2018.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE