Gray v. AECOM Doc. 32

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

FELICIA GRAY,	8
Plaintiff,	§ CIVIL ACTION NO. 5:19-CV-00168-RWS § LEAD CASE
v. AMENTUM SERVICES, INC.,	\{\} \{\} \{\}
Defendant.	\{\} \{\} \{\}
	§
FELICIA GRAY,	<pre> § CIVIL ACTION NO. 5:19-CV-00167-RWS §</pre>
Plaintiff,	§
v.	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
RED RIVER ARMY DEPOT,	
Defendant.	\$ \$ \$ \$

ORDER

Plaintiff Felicia Gray filed this lawsuit against Defendants Amentum Services, Inc. and Red River Army Depot alleging employment discrimination under Title VII of the Civil Rights Act of 1964. Docket No. 1 (Complaint). Amentum moved to dismiss due to Gray's lawsuit for failure to obey a court order, prosecute her claims and to cooperate in discovery. Docket No. 27. The Magistrate Judge recommends granting Amentum's motion and dismissing the above-entitled consolidated causes of action. Docket No. 30 ("Report and Recommendation").

Because no objections to the Magistrate Judge's Report have been filed, neither party is

entitled to de novo review by the District Judge of those findings, conclusions and

recommendations, and except upon grounds of plain error, they are barred from appellate review

of the unobjected-to factual findings and legal conclusions accepted and adopted by the District

Court. 28 U.S.C § 636(b)(1)(C); Douglass v. United Services Automobile Assoc., 79 F.3d 1415,

1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the motion and the Magistrate Judge's Report and

Recommendation and agrees with the Report. See United States v. Raddatz, 447 U.S. 667, 683

(1980) ("[T]he statute permits the district court to give to the magistrate's proposed findings of

fact and recommendations 'such weight as [their] merit commands and the sound discretion of the

judge warrants.' ") (quoting Mathews v. Weber, 23 U.S. 261, 275 (1976)). As such, the Court

ADOPTS the Magistrate Judge's Report and Recommendation as the findings and conclusions of

the Court. It is therefore

ORDERED that Amentum's Motion to Dismiss for Failure to Obey Court Order and

Prosecute Claims and Failure to Cooperate in Discovery (Docket No. 27) is GRANTED. It is

further

ORDERED that Plaintiff's above-entitled and numbered consolidated causes of action are

DISMISSED WITHOUT PREJUDICE.

So ORDERED and SIGNED this 6th day of November, 2020.

/ Zoher + W Ghroeder W ROBERT W. SCHROEDER III

UNITED STATES DISTRICT JUDGE

¹ On October 21, 2010, Gray, proceeding *pro se*, acknowledged receipt of the Report and Recommendation. Docket No. 31.

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