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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

KELVIN DWIGHT LEWIS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:14-CV-3107-M-BN
	§	
LSG SKY CHEFS,	§	
	§	
Defendant.	§	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Having now considered the Defendant's Objections to the Findings, Conclusions and Recommendations, the Court Accepts the Findings, Conclusions and Recommendation and dismisses with prejudice Plaintiff's claim of discrimination regarding bidding on a particular shift; but not his claim for termination on the basis of race. To the extent Plaintiff raises state law claims for termination and defamation, Defendant first raised those issues in its reply, not in its original motion, and therefore they will not be considered by the Court. *See, Johnson v. Wells Fargo Bank*, 999 F.Supp. 2d 919, 934-35 (N.D. Tex. 2014). To the extent those claims were in fact asserted by Plaintiff, they survive Defendant's Motion to Dismiss.

SO ORDERED this 14th day of April, 2015.

BARBARA M. G. LYNN () UNITED STATES DISTRICT JUDGE NORTHERN DISTRICT OF TEXAS