

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States District Court
Southern District of Texas

ENTERED

February 14, 2017

David J. Bradley, Clerk

BERTIS E. VALENTINE,
Plaintiff,

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v.

CIVIL ACTION H-15-1801

NATIONAL OILWELL VARCO, L.P.,
Defendant.

ORDER

Pending before the court is a memorandum and recommendation (“M&R”) in which the Magistrate Judge recommends that the court grant in part and deny in party defendant National Oilwell Varco, L.P.’s (“National”) motion for summary judgment (Dkt. 24). Dkt. 32. Neither National nor plaintiff Bertis E. Valentine objected to the M&R. After reviewing the motion, related documents, and the applicable law, the court is of the opinion that there is no clear error and that the M&R should be adopted. *See* Fed. R. Civ. P. 72, Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Accordingly, the M&R (Dkt. 32) is **ADOPTED IN FULL**. The court, consistent with the Magistrate Judge’s recommendation, **GRANTS** summary judgment in favor of National on Valentine’s Americans with Disabilities Act claim and his Age Discrimination in Employment Act claims, which are the only claims asserted in his complaint (*see* Dkt. 1). Valentine’s claims are **DISMISSED WITH PREJUDICE**. National also sought summary judgment, alternatively, on its laches defense and because Valentine could not show evidence of damages. *See* Dkt. 32. National’s motion for summary judgment on these alternative grounds is **DENIED**. A final judgment will be issued concurrently with this order.

Signed at Houston, Texas on February 14, 2017.



Gray H. Miller
United States District Judge