Gaggos v. Walmart Distribution Center 7036 Doc. 22

United States District Court
Southern District of Texas
ENTERED
November 15, 2022
Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOE GAGGOS JR., *Plaintiff,*	§	
V.	§	CIVIL ACTION NO. 4:22-cv-0567
WALMART DISTRIBUTION CENTER 7036 *Defendants.*	§	

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated October 27, 2022 (ECF 21) and no objections having been filed thereto, the Court is of the opinion that said Memorandum and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED** that the Magistrate Judge's Memorandum and Recommendation is hereby **ADOPTED** by this Court.

It is **FURTHER ORDERED** that the Defendant's Motion to Dismiss (ECF 11) is **GRANTED in part** and that Plaintiff's Complaint is dismissed without prejudice for failure to exhaust administrative remedies as to any Title VII claim.

It is **FURTHER ORDERED** that the Defendant's Motion to Dismiss (ECF 11) is **DENIED in part** and Defendant's alternative Motion for a More Definite Statement (ECF 11) is **GRANTED** as to any claim of discrimination or retaliation under the ADEA or ADA, and that Plaintiff is **ORDERED** to file an Amended Complaint within 21 days of this Order.

It is **FURTHER ORDERED** that the Plaintiff's Response to the Motion to Dismiss (ECF 15) insofar as it constitutes a Motion for Summary Judgment is **DENIED as Moot**.

SIGNED at Houston, Texas this 15th day of November, 2022.

SIM LAKE
SENIOR UNITED STATES DISTRICT JUDGE

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