

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

CHRISTINE A. BOGGS,)
)
 Plaintiff,)
)
 v.)
)
 ANNETTE’S DARI BARN, INC., ET AL.,)
)
 Defendants.)

Case No. 2:15CV00009

OPINION AND ORDER

By: James P. Jones
United States District Judge

Christine A. Boggs, Pro Se Plaintiff.

The pro se plaintiff has objected to the Report and Recommendation of the magistrate judge filed on June 23, 2015, in which the magistrate judge recommended that the plaintiff’s case be dismissed without prejudice for failure to state a claim upon which relief can be granted in that the plaintiff admits that her employer did not qualify under the federal Family and Medical Leave Act, 29 U.S.C. § 2611(4). The plaintiff does not dispute the legal correctness of this recommendation, but requests the court to hear her case despite the “loophole” in the law.

Unfortunately, the court does not have the power to disregard the plain requirement of the law written by Congress that limits the Family and Medical Leave Act to large employers. Accordingly, following a de novo review of the

matter objected to, the court finds that the magistrate judge's recommendation must be adopted. It is accordingly ORDERED that the plaintiff's objection (ECF No. 6) is OVERRULED and the Report and Recommendation (ECF No. 5) is hereby ACCEPTED. A separate final order will be entered herewith.

DATED: July 14, 2015

/s/ James P. Jones
United States District Judge