

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DONTE L. KELLY,)
)
 Plaintiff,)
)
 vs.)
)
 MATANUSKA ELECTRIC ASSOCIATION,)
 INC., TUCKERMAN BABCOCK, and)
 WAYNE D. CARMONY,)
)
 Defendants.) No. 3:09-cv-0027-HRH
)
 _____)

O R D E R

Motion to Dismiss Title VII Claims¹

Individual defendants Carmony and Babcock move to dismiss plaintiff's claims under Title VII of the Civil Rights Act of 1964. Plaintiff has responded with a limited opposition.² Oral argument has not been requested and is not deemed necessary.

As plaintiff recognizes in his limited opposition, his Title VII discrimination and Title VII retaliation claims (plaintiff's third and fourth causes of action) against individual defendants Carmony and Babcock are foreclosed as a matter of law by binding circuit authority. Miller v. Maxwell's Int'l, Inc., 991 F.2d 583 (9th Cir. 1993).

¹Docket No. 20.

²Docket NO. 22.

The motion to dismiss of defendants Carmony and Babcock is granted. The third and fourth causes of action in plaintiff's complaint are dismissed as to defendants Carmony and Babcock.

DATED at Anchorage, Alaska, this 25th day of February, 2010.

/s/ H. Russel Holland
United States District Judge