

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DUANE A. MCGORMAN,

Plaintiff,

v.

IRON RIVER HOUSING COMMISSION,

Defendant.

Case No. 2:17-cv-70

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiff initiated this *pro se* action by filing a Notice of Intent to File a Complaint (ECF No. 1), along with a completed form for the Waiver/Suspension of Fees and Costs, which resulted in the Court granting him *in forma pauperis* status (ECF No. 6). Upon initial screening pursuant to 28 U.S.C. § 1915(e), the Magistrate Judge issued a Report and Recommendation, noting that Plaintiff's Notice was not a proper pleading, but even if it was construed as a "complaint," Plaintiff failed to state any coherent statements that would support a viable legal claim (ECF No. 7 at PageID.13 ("Plaintiff mentions RICO, 'National Defense Laws,' and 'Home Land Security Laws.' Plaintiff also attached an exhibit of what appears to be a playlist of musical songs.")). Accordingly, the Magistrate Judge recommended that the Notice/"complaint" be dismissed for failure to state a claim upon which relief can be granted, 28 U.S.C. § 1915(e)(2).

In response to the Report and Recommendation, Plaintiff filed a "Protest," with outlandish charges of bias, prejudice, racism, and criminal conduct by this Court, and the Magistrate Judge in particular. Plaintiff concludes by stating that he "withdraws this case, before his Complaint was

ever filed ... due to said court's racist and discrimination policy against veterans of different ethnicity and/or race" (ECF No. 8 at PageID. 16). Plaintiff's "Protest" hardly can be construed as a proper "objection" to the Report and Recommendation. Further, his attempted "withdrawal" of his case, after the required § 1915(e) screening, is untimely and without any valid basis. Accordingly, the Court will dismiss this action in accordance with the recommendation of the Magistrate Judge.

A Judgment will be entered consistent with this Opinion and Order. *See* Fed. R. Civ. P. 58. For the above reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 7) is APPROVED and ADOPTED as the Opinion of the Court, and the Notice/"complaint" (ECF No. 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: January 26, 2018

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge