

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KRISTY LEE JOHNSON,)
)
Plaintiff,)
)
v.) Case No. 3:08-0741
) Judge Echols
)
BMI,)
)
Defendant.)

ORDER

This matter is before the Court on a Report and Recommendation (R & R) (Docket Entry No. 6) in which the Magistrate Judge recommends dismissing Plaintiff's pro se Complaint pursuant to 28 U.S.C. § 1915(e)(2) because the Complaint fails to state a claim upon which relief may be granted. The Magistrate Judge also recommends the Court certify under 28 U.S.C. § 1915(a)(3) that any in forma pauperis appeal of the dismissal of the Complaint would not be taken in good faith. The R & R was issued on August 19, 2008, and Plaintiff has filed no objections thereto, even though she was informed in the R & R that any objections needed to be filed within ten (10) days of service of the R & R (Docket Entry No. 6 at 3).

Where, as here, no objections are made to the R & R, "[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." Fed.R.Civ.P. 72(b). Having

reviewed the R & R and the file in this case, the Court finds that the Magistrate Judge was correct in determining that Plaintiff's Complaint should be dismissed under 28 U.S.C. § 1915(e)(2) because it utterly fails to comply with the basic pleading requirement of Federal Rule of Civil Procedure 8(a) and because it fails to set forth any cognizable claim for relief.

Accordingly, the Court rules as follows:

(1) the R & R (Docket Entry No. 6) is hereby ACCEPTED and APPROVED;

(2) The Complaint in this action is hereby DISMISSED WITH PREJUDICE under 28 U.S.C. § 1915(e)(2); and

(3) The Court hereby CERTIFIES under 28 U.S.C. § 1915(a)(3) that any in forma pauperis appeal from this Order which dismisses Plaintiff's Complaint would not be taken in good faith.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE