## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

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LARRY G. PHILPOT, Plaintiff, vs. 420 MAGAZINE, INC., Defendant.

No. 1:14-cv-01790-RLY-MJD

## ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION and DENYING PLAINTIFF'S MOTION TO TRANSFER

The pro se plaintiff, Larry G. Philpot, filed a Complaint for copyright infringement against the defendant, 420 Magazine, Inc. Plaintiff filed a Motion for Clerk's Entry of Default, Defendant filed a Motion to Dismiss for Lack of Jurisdiction and, after the Motion to Dismiss was fully briefed, Plaintiff filed a Motion for Rule 11 Sanctions against Defendant and its counsel. These motions were referred to the Magistrate Judge who recommended that the court grant Defendant's Motion to Dismiss; deny Plaintiff's Motion for Entry of Default; and deny Plaintiff's First Motion for Rule 11 Sanctions. The court, having read and reviewed the same, hereby **ADOPTS** the Magistrate Judge's report and recommendation (Filing No. 22). Accordingly, Defendant's Motion to Dismiss is **GRANTED** without prejudice (Filing No. 9); Plaintiff's Motion for Entry of Default is **DENIED** (Filing No. 8); and Plaintiff's First Motion for Rule 11 Sanctions is **DENIED** (Filing No. 16).

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Following the Magistrate Judge's Report and Recommendation, the Plaintiff filed a Motion to Transfer Venue to the Central District of California. Given the court's ruling on Defendant's Motion to Dismiss, Plaintiff's Motion to Transfer (Filing No. 24) is **DENIED as MOOT**. Plaintiff may refile his action against the Defendant in the Central District of California.

SO ORDERED this 6th day of May 2015.

RICHARD L YOUNG, CHIEF JUDGE United States District Court Southern District of Indiana

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