UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALTER E. HARRIS,

Plaintiff,

v

SHELLEY A. STASSON and
PATRICK GORESH,

Defendants.
_____/

Case No. 1:09-cv-673

HON. JANET T. NEFF

OPINION

Plaintiff, proceeding pro se, initiated the present action, making statements about defendants and others regarding his former employment and an earlier lawsuit. The matter was referred to the Magistrate Judge, who performed an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) and issued a Report and Recommendation, recommending that this Court dismiss plaintiff's complaint for failure to state a claim upon which relief may be granted. The matter is presently before the Court on plaintiff's objections to the Report and Recommendation (Dkt 13), as supplemented (Dkts 14-15). Plaintiff has also since filed a "Motion for Order for Health and Dental Insurance" (Dkt 16).

In accordance with 28 U.S.C. § 636(b)(1), this Court has performed de novo consideration of those portions of the Report and Recommendation to which objections are made. Plaintiff's objections mirror the character of his complaint in that he makes only broad statements about the benefits he enjoyed during his former employment. His objections do not demonstrate any factual

or legal error in the Magistrate Judge's analysis. Rather, as the Magistrate Judge determined, even a liberal construction of plaintiff's complaint leads to the conclusion that the allegations therein fail to state a legal claim. *See Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (indicating that FED. R. CIV. P. 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief" and giving the defendants "fair notice of what the . . . claim is and the grounds upon which it rests.").[1]

The Court therefore denies the objections, approves and adopts the Report and Recommendation as the Opinion of the Court, and denies as moot plaintiff's Motion for Order for Health and Dental Insurance. An Order of Dismissal will be entered consistent with this Opinion.

Because plaintiff is proceeding *in forma pauperis*, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997).

Date: April 30, 2010

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

[1]The Supreme Court retired the "no set of facts" formulation of the Rule 12(b)(6) standard referenced by the Magistrate Judge in the Report and Recommendation, *see Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 563 (2007), but a different result is not indicated under the "plausibility standard" stated in *Twombly* inasmuch as plaintiff's complaint does not contain facts sufficient to "state a claim to relief that is plausible on its face," *id.* at 570. Indeed, the Supreme Court noted that in applying a "plausibility standard," it was still applying the pleading requirement of FED. R. CIV. P. 8(a)(2). *Id.* at 569, n.14.