

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD DEAN ZINDLER,

Plaintiff,

File No. 1:11-CV-770

v.

HON. ROBERT HOLMES BELL

DAWN ROGERS, et al.,

Defendants.

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On August 23, 2011, United States Magistrate Judge Joseph G. Scoville issued a report and recommendation ("R&R") recommending that this *pro se* civil action, in which Plaintiff Richard Dean Zindler is proceeding *in forma pauperis*, be dismissed pursuant to 28 U.S.C. § 1915(e)(2). (Dkt. No. 12, R&R.) Plaintiff filed objections to the R&R on September 12, 2011. (Dkt. No. 13, Obj.)

This Court is required to make a *de novo* determination of those portions of the R&R to which specific objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). "[A] general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and

contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

Plaintiff has not specifically objected to any portion of the R&R. Plaintiff merely requests leave to amend, not to add or remove anything, but simply to highlight corresponding points. (Dkt. No. 13.)

The Court may not permit Plaintiff to amend his complaint to defeat dismissal under § 1915(e)(2). *See* 28 U.S.C. § 1915(e)(2) (providing that a district court “**shall** dismiss the case”) (emphasis added); *Baxter v. Rose*, 305 F.3d 486, 488-89 (6th Cir. 2002) (“Under the Prison Litigation [Reform] Act, courts have no discretion in permitting a plaintiff to amend a complaint to avoid a sua sponte dismissal.”) (citing *McGore v. Wrigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997)); *Moniz v. Hines*, 92 F. App’x 208, 212 (6th Cir. 2004) (“[A] district court may not permit a plaintiff to amend his complaint to defeat dismissal under 28 U.S.C. § 1915(e)(2).”).

The Court has reviewed the R&R and agrees with its recommendation. Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s objections to the R&R (Dkt. No. 13) are **OVERRULED**.

IT IS FURTHER ORDERED that the August 23, 2011, R&R (Dkt. No. 12) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff’s complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2).

Dated: September 15, 2011

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE