UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM LACY,

Plaintiff,

v

BRAEBURN CAPITAL, et al.,

Defendants.
_____/

Case No. 1:12-cv-941

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiff William Lacy, proceeding in forma pauperis, initiated the present action against Defendants Braeburn Capital and "Apple" on September 4, 2012, asserting that Defendants are "[r]acketeering under the Sherman Antitrust Act to [s]ubdue [a]dvertising and [m]edia [c]ompetition in the U.S. [m]arketplace" (Dkt 1). On October 1, 2012, the Magistrate Judge filed a Report and Recommendation (R & R), recommending that the action be dismissed upon initial screening on grounds that the complaint fails to state a claim on which relief may be granted (Dkt 9). *See* 28 U.S.C. § 1915(e)(2)(B)(*ii*). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (Dkts 10, 11 & 13). Plaintiff has also since filed two documents that were docketed as "supplements" (Dkts 21-22). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff's three separately-filed objections and supplements to the Magistrate Judge's Report and Recommendation contain numerous incoherent, unsupported allegations relating to Steve Jobs, Braeburn Capital, and Apple.[1] The objections and supplements also include pictures that fail to provide any support for his racketeering assertion and instead merely add to the confusion of his argument (Dkt 11 at 4; Dkt 13 at 2; Dkt 21 at 2-5; Dkt 22 at 6-21). As a result of his accusations, Plaintiff "[r]ecommend[s] the U.S. Federal Court and the U.S. Marshall [s]erve Braeburn Capital and Apple for [v]iolation of U.S. Antitrust Laws" (Dkt 10 at 7). Plaintiff's argument is without merit.

As stated by the Magistrate Judge in the Report and Recommendation, "[p]ursuant to Federal Rule of Civil Procedure 12(b)(6), a claim must be dismissed for failure to state a claim on which relief may be granted unless the '[f]actual allegations [are] enough to raise a right for relief above the speculative level on the assumption that all of the complaint's allegations are true'" (Dkt 9 at 1) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 545 (2007)). The Magistrate Judge further correctly noted that in order to satisfy this Rule, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face'" (Dkt 9 at 1) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). Plaintiff's complaint, as well as his three supplemented objections to the R & R, contain nothing more than unsubstantiated assertions that fail to provide any specific factual support for a claim of racketeering. Because "Plaintiff has failed … to allege

[1]For example, Plaintiff asserts that "Steve Jobs[']s [c]haracter is one which cannot afford to [lose] to a [c]ompetitor in the [m]arketplace, and a [d]isdain for [c]ompetition in the [m]arketplace which can and [w]ill [b]eat Apple's [p]roducts and [s]ervices in the [m]arketplace. Steve Jobs [c]rossed the [l]ine to go '[t]hermonuclear' [a]gainst [c]ompetition in the U.S. [m]arketplace, and [a]ntitrust and [i]llegal [i]nfluence [l]ines were [c]rossed in order to [p]rotect Braeburn Capital's [f]uture [m]arket [s]tanding and [p]rofits" (Dkt 10 at 9).

any facts, which if proven, would entitle him to prevail on any claims asserted in his complaint" (Dkt 9 at 3), the Magistrate Judge correctly recommended that his complaint be dismissed for failure to state a claim. Therefore, Plaintiff's objections to the R & R are denied as without merit.

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 objections (Dkts 10, 11 & 13) are DENIED and the Report and Recommendation (Dkt 9) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(*ii*) for the reasons stated in the Report and Recommendation.

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

Dated: December 17, 2012

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