

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MELINDIA JACKSON,

Plaintiff,

CASE NO. 1:15-CV-1202

v.

HON. ROBERT J. JONKER

STATE FARM INSURANCE  
COMPANY LEGAL DEPARTMENT,

Defendant.

**ORDER APPROVING AND ADOPTING  
REPORT AND RECOMMENDATION AS MODIFIED**

The Court has reviewed Magistrate Judge Kent's Report and Recommendation in this matter (docket # 9) and Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (docket # 10). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997).

Specifically, the Rules provide that:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The 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). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; and Plaintiff's objections. The Magistrate Judge recommends granting Defendant's Motion to Dismiss under FED. R. CIV. P. 12(b)(6) (docket # 8). The Court finds this recommendation factually sound and legally correct.

Plaintiff's Objections fail to address the Magistrate Judge's analysis in any meaningful way. In her Objections, Plaintiff expresses frustration about the legal system in general and an earlier state court case in particular, but this does not bear on the adequacy of her Complaint. To the extent Plaintiff argues that dismissal is inappropriate in this case because "State Farm Headquarters . . . is in another state[.]" Plaintiff is simply mistaken. (PageID.30.) Dismissal of the case for failure to state a claim under FED. R. CIV. P. 12(b)(6) is proper, for precisely the reasons the Report and Recommendation details.

Plaintiff also objects to the Magistrate Judge's recommendation that she be designated as a Restricted Filer based on the series of pro se actions she has filed in this Court since 2012. The Court acknowledges that Plaintiff has a history of filing unsuccessful lawsuits, but the Court does not believe it is necessary that Plaintiff be designated a Restricted Filer. The normal screening mechanism of 28 U.S.C. § 1915(e)(2)(B) is sufficient to protect the Court.

**ACCORDINGLY, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (docket # 9) is approved and adopted as the opinion of the Court to the extent consistent with this Order.

**IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (docket # 8) is **GRANTED** to the extent Defendant seeks dismissal under FED. R. CIV. P. 12(b)(6) and is **DISMISSED AS MOOT** in all other respects.

This case is **CLOSED**.

Dated: February 22, 2016

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE