

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

QUEEN NOBLE,	:	NO. 1:13-cv-00666
	:	
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
JON HUSTED, et al.,	:	
	:	
Defendants.	:	

This matter comes before the Court on Magistrate Judge Stephanie K. Bowman's September 27, 2013 Report and Recommendation (doc. 4), a copy of which was sent to Plaintiff by certified mail, return receipt requested, along with the Magistrate Judge's Order granting Plaintiff's application for leave to proceed in forma pauperis and authorizing the commencement of her action without prepayment of costs and fees under 28 U.S.C. § 1915(a)(1). Although the envelope containing both pleadings was returned to the Clerk with the notation "Return to Sender/Attempted - Not Known/Unable to Forward" (see docs. 6, 7), it is apparent that Plaintiff had notice of their entry and content, as she filed a pleading (dated September 30, 2013 and docketed October 1, 2013) entitled "Plaintiff's Reply

to Report and Recommendations" (doc. 5). We reprint the body of Plaintiff's pleading below:

This matter is before the court hereafter known as frivolous malicious old ass nazis described in the below photos. The frivolous malicious old ass nazis employed to bench, wouldn't know justice if it kicked them their ugly flat ass. The frivolous malicious old ass nazis bench in this stolen country ain't that a kick their ugly flat ass The frivolous malicious old ass nazis has wasted tax payers currency granting Mother and Political candidate Queen Noble a fee waiver in pursuit of their nazi injustice in this stolen country.

Frivolous malicious old ass nazis are infamous in abusing bench jobs fore the foregoing reason that will give rise to humanity kicking racist nazi ass in The Court Yard of Law (founded by Queen Noble)

Frivolous malicious nazis are physically repulsive cowards, criminals, murderers, thieves and child abusers with jobs ha ha. The frivolous malicious old ass nazi benchers are in fact cohorts and conspirators further aggravating against the best interest of Queen Noble's rights, will and ability to be made whole.

Upon consideration, the Court finds that Plaintiff's "reply" consists solely of matter that is immaterial, impertinent and scandalous. On the authority of Fed. R. Civ. P. 12(f)(1), therefore, we hereby ORDER the Clerk to strike "Plaintiff's Reply to Report and Recommendations" (doc. 5) in its entirety from the docket.

Returning to the matter before us, we observe that proper notice was provided to Plaintiff under 28 U.S.C. § 636(b)(1)(C),

including the advice that she would waive further appeal if she failed to file an objection to the September 27 Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Because we have ordered the Clerk to strike "Plaintiff's Reply to Report and Recommendations" from the docket, no objection is before the Court. Nevertheless, out of an abundance of caution we have reviewed de novo all portions of the Magistrate Judge's Report and Recommendation and we conclude that it is thorough, well-reasoned and correct. Accordingly, the Court ACCEPTS, ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in every respect and DISMISSES WITH PREJUDICE Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).

The Court also CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal of our Order adopting the Magistrate Judge's Report and Recommendation would not be taken in good faith, and thus any application to appeal in forma pauperis should be denied. See McGore v. Wrigglesworth, 114 F.3d 601 (6th Cir. 1997). Plaintiff remains free, however, to apply to proceed in forma pauperis in the Court of Appeals. Callihan v. Schneider, 178 F.3d 800, 803-04 (6th Cir. 1999), overruling in

part Floyd v. United States Postal Serv., 105 F.3d 274, 277 (6th
Cir. 1997).

SO ORDERED.

Dated: October 29, 2013

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge