

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BANK OF AMERICA,	:	Case No. 1:16-cv-252
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
ELEETRA MARTIN,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS (Doc. 5)
OF THE UNITED STATES MAGISTRATE JUDGE**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on February 5, 2016, submitted a Report and Recommendations (“R&R”). (Doc. 5). Eleetra Martin filed objections. (*See* Docs. 6, 6-1, and 7).¹

¹ In her “Affidavit of Fact/Writ of Error” (Doc. 6), Martin objects to the construing of her filings as a motion to proceed in forma pauperis. (*See* Docs. 4, 5). However, Martin continues to demand “free access to the Court by [r]ight.” (Doc. 6 at 5) (emphasis added). In her “Affidavit of Fact/Writ of Discovery” (Doc. 6-1), Martin challenges “the constitutionality of the bylaw ([s]tatute) implied for consideration, in the [R&R], to dismiss the case and remand the case back to Hamilton County Municipal Court” and alleges that the R&R demonstrates bias and prejudice. These arguments are overly general and fail to dispute any specific portion of the R&R. *See Spencer v. Bouchard*, 449 F.3d 721, 725 (6th Cir. 2006) (“[o]verly general objections do not satisfy the objection requirement”), *abrogated on other grounds by Jones v. Bock*, 549 U.S. 199 (2007). Finally, in her “Notice of Objections” (Doc. 7), Martin advises that she “wish[es] to only have this mater heard by an Article III Judge.” As set forth herein, this Judge has considered *de novo* all of the filings in this matter. For these reasons, and for the reasons set forth in the

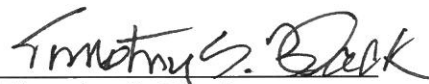
As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such R&R should be and is hereby **ADOPTED** in its entirety.²

Accordingly, for the foregoing reasons:

1. This civil action is **DISMISSED with PREJUDICE** for failure to state a claim for relief;
2. The Court certifies pursuant to 28 U.S.C. § 1915(a) that, for the reasons stated in the R&R, an appeal of this Order would not be taken in good faith, and therefore **DENIES** Eleetra Martin leave to appeal *in forma pauperis*;
3. The Clerk shall enter judgment accordingly, whereupon this civil action is **TERMINATED** in this Court.

IT IS SO ORDERED.

Date: 4/25/10


Timothy S. Black
United States District Judge

R&R, all objections (Docs. 6, 6-1, and 7) to the Magistrate Judge's Order (Doc. 4) and R&R (Doc. 5) are **OVERRULED**.

² The Court dismisses this civil action for failure to state a claim because the Court believes Martin's pleading is properly construed as a new complaint—notwithstanding the title of the pleading and the caption assigned to this case—for the reasons set forth in the R&R. (Doc. 5 at 1–5). The Court agrees with the Magistrate Judge that, should a reviewing court construe the pleading as a true notice of removal, remand for lack of subject matter jurisdiction would be appropriate. (*Id.* at 6).