UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTHONY LOLIN JIMINEZ, SR., Plaintiff,	:	Case No. 1:17-cv-197
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Karen L. Litkovitz
FIDELITY ADVISOR C/O: FIDELITY, INC.,	:	
Defendant.	:	

DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 36) and
TERMINATING THIS CASE IN THIS COURT

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on May 1, 2018, submitted a Report and Recommendation. (Doc. 36). Plaintiff filed an objection ("Objection"). (Doc. 38).[1]

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 considering the foregoing, the Court does determine

[1] Plaintiff's Objection argues that no party has provided evidence to contradict the allegations of the Amended Complaint and that he should not be held to traditional pleading standards as a *pro se* litigant. These arguments are not well-taken: the Magistrate Judge properly considered Plaintiff's *pro se* status (Doc. 36 at 6), and Defendant's Rule 12(b)(6) motion is to be evaluated exclusively on the facts alleged in the Amended Complaint. The Objection simply fails to articulate a persuasive argument that the facts asserted in the Amended Complaint state plausible claims under federal securities laws, the Fourth Amendment, or the Fourteenth Amendment.

that such Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly:

1. The Report and Recommendation (Doc. 36) is **ADOPTED**;

2. Plaintiff's Objection (Doc. 38) is **OVERRULED**;

3. Defendants' motion to dismiss (Doc. 18) is **GRANTED**;

4. Plaintiff's motion to amend the complaint and issue summons (Doc. 22) is **DENIED**;

5. Plaintiff's motion for joinder (Doc. 34) is **DENIED** as moot;

6. Plaintiff's motion for lien judgment against the Colorado Secretary of State and Secretary of the Treasury (Doc. 35) is **DENIED** as moot; and

7. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 7/31/18

Timothy S. Black
United States District Judge