

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Samantha Sue Reed, :
 :
 Plaintiff : Civil Action 2:11-cv-876
 :
 v. : Judge Gregory L. Frost
 :
 Berger Hospital, *et al.*, : Magistrate Judge Abel
 :
 Defendants. :

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 13, 2011, the Magistrate Judge issued an initial screening report and recommendation under 28 U.S.C. §1915(e)(2) of the complaint in this case, to identify cognizable claims, and to dismiss the complaint, or any part of it, which is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. He recommended that the complaint be dismissed because it failed to plead subject matter jurisdiction as required by Fed. R. Civ. P. 8(a). This matter is now before the Court for *de novo* review of Plaintiff's October 27, 2011 Objections.

Plaintiff alleged in her complaint that she suffered severe complications following an April 2010 hysterectomy performed by Defendant Dr. David Goldfarb, and sought damages for medical bills, pain and suffering, and loss of employment due to inability to work. In her objections, she reiterated that she is continuing to

suffer from Defendants' alleged malpractice, and is facing at least two corrective surgeries. However, as the Magistrate Judge stated, a federal court only has jurisdiction to hear cases that either involve federal law or are between citizens of different states. 28 U.S.C. §1331, 1332. Plaintiff's claims of medical malpractice appear to arise under Ohio law, not federal law. Furthermore, all defendants appear to be residents of Ohio. Therefore, the United States District Court (unlike a state common pleas court) cannot hear this case or grant Plaintiff the relief she requests.

Because this court does not have jurisdiction to hear the claims brought in Plaintiff's complaint, the Report and Recommendation of the Magistrate Judge (ECF No. 2) is **ADOPTED** and this case is **DISMISSED WITHOUT PREJUDICE**.

As Plaintiff's objections are accompanied by her personal medical records, the Clerk of Court is **DIRECTED** to seal ECF No. 8.

/s/ Gregory L. Frost
GREGORY L. FROST
United States District Judge