

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CORNELIS J. CLEMENS,

Plaintiff,

v.

Case No. 2:16-cv-846

Chief Judge Edmund A. Sargus, Jr.

Magistrate Judge Terence P. Kemp

**OHIO BUREAU OF WORKERS
COMPENSATION, et al.,**

Defendant.

OPINION AND ORDER

This matter is before the Court for consideration of Plaintiff's Objection (ECF No. 9) to the Magistrate Judge's October 11, 2016 Report and Recommendation (Rep. & Rec., ECF No. 8). Plaintiff is not a prisoner; and is proceeding *pro se*, the Court having granted his motion to proceed *in forma pauperis* (Rep. & Rec., ECF No. 8, at p. 6). The Magistrate Judge has recommended that this case be dismissed under 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted.

The Court has reviewed this matter *de novo*, including the arguments presented in Plaintiff's Objection to the Magistrate Judge's Report and Recommendation. (ECF No. 9.) The Court is persuaded by the Magistrate Judge's thorough presentation of the facts and analysis of the law, and concurs that this suit is barred by the doctrine of *res judicata*. See *Browning v. Levy*, 283 F.3d 761, 771–72, 773–74 (6th Cir. 2002) (internal citation and quotation omitted); see also *Rawe v. Liberty Mut. Fire Ins. Co.*, 462 F.3d 521, 528 (6th Cir. 2006). The Magistrate Judge applied the *Browning* factors as follows:

Applying the Browning factors: (1) Mr. Clemons' action has been adjudicated by his Court, a court of competent jurisdiction (and the judgment was affirmed on appeal); (2) the present action involves the same parties as his previous action; (3) the present action raises issues or claims which were either actually litigated or should have been raised and litigated in the prior action; and (4) the claims arose out of the same transaction or series of transactions and the same core of operative facts. Mr. Clemons refers to the exact same BWC claim number and seeks the exact same amount of compensatory damages as the previous action.

(R&R, ECF No. 8, at p. 5.)

The Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 8). The Plaintiff's Objection is **OVERRULED** (ECF No. 9). For the reasons discussed in the Magistrate Judge's Report and Recommendation, this case is **DISMISSED**.

Accordingly, the Court **DIRECTS** the Clerk to **DISMISS** this case and any and all motions pertaining to this case, and remove this matter from the docket.

IT IS SO ORDERED.

2-17-2017
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE