

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

JOHN DALE ALLEN,

Plaintiff,

vs.

**Case No.: 2:16-cv-1178
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

NATIONWIDE MUTUAL INSURANCE, et al.,

Defendants.

ORDER

On January 10, 2017, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* be granted and that Plaintiff's Complaint against Defendants Nationwide Mutual Insurance and J.P. Morgan Chase & Co. be dismissed for failure to state a claim upon which relief can be granted. (*See Order and Report and Recommendation*, Doc. 3). The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Order and Report and Recommendation*. (*See* Doc. 4). Defendants Nationwide Mutual Insurance and J.P. Morgan Chase have both responded in opposition to the objections and Plaintiff has replied. The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff merely asserts in his objection to the *Report and Recommendation* that he has sufficiently complied with Rule 8(a) of the Federal Rules of Civil Procedure and that the violations of the Stored Communications Act ("SCA") can be obtained through the discovery

process. (Doc. 4, Pl.'s Obj. at 1). Plaintiff's objections merely present the same issues presented to and considered by the Magistrate Judge in the *Order and Report and Recommendation*. These general objections are not sufficient to preserve any issues for reviews, and "[a] general objection to the entirety of the magistrate's report has the same effects as would a failure to objection." *Howard v. Sec'y of H.H.S.*, 932 F.2d 505, 509 (6th Cir. 1991). Further, Plaintiff's argument that he can establish the claims in his complaint after discovery fails to comply with Rule 8(a)(2) which requires a plaintiff to provide a "short and plain statement of the claim showing the pleader is entitled to relief." Plaintiff purports to bring a claim under the SCA, which prohibits electronic communication service companies from wrongfully disclosing electronically stored information, but has not alleged any facts supporting such a claim. Therefore, for the reasons stated in detail in the *Order and Report and Recommendation*, this Court finds that Plaintiff's Objections are without merit and are hereby **OVERRULED**.

The *Order and Report and Recommendation*, Document 3, is hereby **ADOPTED** and **AFFIRMED**. Plaintiff's Complaint is hereby dismissed.

The Clerk shall remove Documents 3 and 4 from the Court's pending motions list. The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT