

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

ALPHONSO JENNINGS,

Plaintiff,

vs.

**Case No.: 2:17-cv-328
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

JPAY INC.,

Defendant.

ORDER

On May 5, 2017, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Complaint be dismissed for failure to state a claim upon which relief may be granted. (*See Report and Recommendation*, Doc. 2). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (*See Doc. 6*). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the same issues considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff objects to the Magistrate Judge's dismissal of his case and continues to assert the reasons why he believes he has a claim against JPay Inc. Specifically, Plaintiff challenges the dismissal of his § 1983 claims by asserting Defendant JPay is a private company acting as an official of the state. However, Plaintiff has not sufficiently pled a constitutional claim against JPay. He has not established how JPay's actions are attributable to the state. Plaintiff's Complaint still fails to state a claim for relief that is plausible on its face.

Therefore, for the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 2, is **ADOPTED** and **AFFIRMED**. Plaintiff's Complaint is hereby **DISMISSED** for failure to state a claim.

The Clerk shall remove Documents 2 and 6 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