

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

John Hill,

Plaintiff,

v.

Case No. 2:19-cv-1242

Eric R. Alden, et al.,

Judge Michael H. Watson

Defendants.

Magistrate Judge Vascura

OPINION AND ORDER

John Hill ("Plaintiff"), who is proceeding without the assistance of counsel, brings this action against The Ohio State University Marching Band, the Alumni Group and its attorney Eric Alden, and other John and Jane Does, alleging copyright infringement. The Magistrate Judge granted Plaintiff's motion to proceed *in forma pauperis* and conducted an initial screen pursuant to 28 U.S.C. § 1915(e)(2). The Magistrate Judge issued a Report and Recommendation ("R&R") recommending dismissal of Plaintiff's Complaint for failure to state a claim. ECF No. 7. Plaintiff filed a timely objection. ECF No. 8.

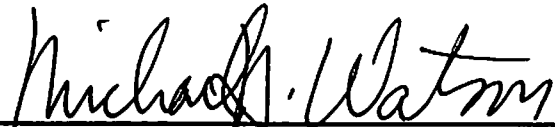
Federal Rule of Civil Procedure 72(b)(2) provides that "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended

disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

Plaintiff’s objection to the R&R is not well-taken. Although difficult to decipher, it appears that Plaintiff disagrees with the Magistrate Judge’s conclusion that he failed to state a claim. Upon *de novo* review, the Court finds no error in the Magistrate Judge’s well-reasoned opinion. As the Magistrate Judge explained, Plaintiff has already brought numerous cases alleging the same allegations, to no avail. See R&R 4–5, ECF No. 7. The Court agrees with the Magistrate Judge that Plaintiff’s current Complaint “fails for the *same reasons* the Sixth Circuit articulated in *Hill v. Waters*.” *Id.* at 6.

Accordingly, the Court **ADOPTS** and **AFFIRMS** the R&R. ECF No. 7. The Court **DISMISSES** this action for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Clerk is **DIRECTED** to terminate this case. The Court further **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3), that an appeal would not be in good faith and that an application to proceed in forma pauperis on appeal would be **DENIED**.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT