

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

Chester Lee Marks,

Plaintiff,

v.

3M CO.,

Defendant.

Case No. 2:21-cv-905

Judge Michael H. Watson

Magistrate Judge Vascura

OPINION AND ORDER

On April 12, 2021, Magistrate Judge Vascura issued a report and recommendation (“R&R”) recommending that this case be dismissed and that Plaintiff’s motion to appoint counsel, ECF No. 7, be denied as moot. R&R, ECF No. 9. The R&R analyzed both the original Complaint, ECF No. 1, as well as the Amended Complaint, which at that time had been filed as an attachment to Plaintiff’s motion for leave to proceed in forma pauperis, ECF No. 5-1.¹ Magistrate Judge Vascura noted that the Amended Complaint was “substantively identical” to the original Complaint, except that the names of Defendants were changed slightly. R&R 2, ECF No. 9. The R&R went on to find that “[i]n neither the original nor the Amended Complaint does Plaintiff make any allegations in reference to any of the named Defendants, other than to allege that ‘Defendants, 3M Co. consist of foreign companies operating [in] the United States of America. Their action has caused many human body weakness [sic], infected with Per-


¹ The Amended Complaint was subsequently docketed at ECF No. 10.

and polyfluoroalkyl substances and damages to the bloodstream.” *Id.* (quoting Compl. ¶ 5, ECF No. 1). The R&R recommended dismissal of Plaintiff’s claims because he failed to state a claim upon which relief can be granted, he lacked standing, and this case was improperly venued in this District. *Id.* at 4–5.

Magistrate Judge Vascura notified the parties of their right to file objections to the R&R pursuant to 28 U.S.C. § 636(b)(1). *Id.* at 5–6. She also specifically advised the parties that the failure to object to the R&R within fourteen days would result in a waiver of both the right to *de novo* review by the District Judge and the right to appeal the decision of the District Court adopting the R&R. *Id.* at 6.

The deadline for filing such objections has passed, and no objections were filed. Having received no objections, the R&R is **ADOPTED**. This case is **DISMISSED**. Plaintiff’s motion to appoint counsel, ECF No. 7, is **DENIED AS MOOT**. The Clerk of Court shall **TERMINATE** this case.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT