

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

Mark Allen McConnaughy,

Plaintiff,

v.

106.3 The River Radio Network,

Defendant.

Case No. 2:21-cv-2236

Judge Michael H. Watson

Magistrate Judge Deavers

OPINION AND ORDER

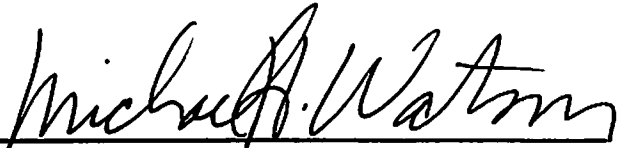
Magistrate Judge Deavers performed an initial screen of Plaintiff's *pro se* Complaint pursuant to 28 U.S.C. § 1915(e)(2) and issued a Report and Recommendation ("R&R") recommending the Court dismiss Plaintiff's Complaint for lack of subject-matter jurisdiction. R&R, ECF No. 4. Specifically, the R&R noted that Plaintiff marked "federal question" as the basis of the Court's jurisdiction on his Civil Cover Sheet but that Plaintiff's Complaint asserts only a claim under Ohio Revised Code § 2717.01. *Id.*

Plaintiff timely objected to the recommendation. Obj., ECF No. 5. In his objections, Plaintiff does not argue that this Court has federal question jurisdiction over his claim. Rather, he argues that he is indigent, physically and mentally handicapped, and without a private attorney. *Id.* He contends that a dismissal of his claim at this stage of the proceeding may violate Title II of the Americans with Disabilities Act and the Fifth Amendment's guarantee of equal protection. *Id.* Plaintiff requests an opportunity to amend his Complaint but does

not include a proposed Amended Complaint or explain how he would amend the Complaint to properly allege jurisdiction. *See id.*

Upon *de novo* review, the Court **ADOPTS** the R&R and **DISMISSES** Plaintiff's case without prejudice for lack of jurisdiction. Plaintiff's Complaint, ECF No. 3, does not assert a claim arising under federal law. Nor does it appear this Court has diversity jurisdiction, see Compl., ECF No. 3 at PAGEID ## 29–30.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT