

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Roland Chambers,)	Civil Action No.: 3:14-cv-00972-MGL
)	
)	
Plaintiff,)	
)	
v.)	OPINION AND ORDER
)	
)	
Apple Inc., Amazon.com, Inc., and CD)	
Baby,)	
)	
Defendants.)	
_____)	

Pro Se Plaintiff Roland Chambers (“Plaintiff”) brought this action against Defendants Apple Inc., Amazon.com Inc., and Audio and Video Labs, Inc. d/b/a CD Baby (collectively “Defendants”) alleging that Defendants infringed on Plaintiff’s exclusive right to reproduction of copyrighted material in violation of the Copyright Act, 17 U.S.C. § 101 *et seq.*, and violated the Digital Millennium Copyright Act, 17 U.S.C. § 1201 *et seq.* Defendant Apple filed a motion to dismiss on July 2, 2014 (ECF No.28) and Defendant Audio and Video Labs, Inc. d/b/a CD Baby and Amazon.com, Inc. filed their motion on July 30, 2014. (ECF No. 45.) Pursuant to the provisions of 28 U.S.C. § 636 and Local Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial management and consideration of pretrial motions. In her Report and Recommendation (“Report”), the Magistrate Judge recommends that Defendants’ motions to dismiss be granted because the allegations of Plaintiff’s complaint are speculative and conclusory, and are insufficient to show that Defendants violated the Copyright Act or Digital Millennium Copyright Act. (ECF No. 59.) Plaintiff filed objections to the Report (ECF No.

62) and Defendants filed responses in support of their motions on December 3, 2014 (ECF No. 64) and December 4, 2014. (ECF No. 65.) For the reasons set forth below, the Court adopts the Report and Recommendation of the Magistrate Judge and GRANTS Defendants' Motions to Dismiss brought pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

STANDARD OF REVIEW

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court is charged with making a de novo determination of any portions of the Magistrate Judge's Report to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

ANALYSIS

Plaintiff objects to the Report maintaining his contention that he has previously submitted sufficient factual evidence to support his claims against Defendants. (ECF No. 62.) Defendant Apple responds that Plaintiff's objection and other submissions to the Court support the Magistrate Judge's recommendation finding that Plaintiff failed to provide factual allegations to support his bare speculation that Apple copied his works or provided access to his material, and also failed to sufficiently describe the specific works at issue. Defendants Audio and Video Labs, Inc. d/b/a CD Baby and Amazon.com, Inc. also respond to Plaintiff's objection, joining Defendant Apple's response and asking this Court

to adopt the Magistrate Judge's Report and recommended reading of Plaintiff's complaint in light of Rule 8. This Court agrees with Defendants—Plaintiff's objection fails to cast any doubt on the well-reasoned substantive findings and analysis of the Magistrate Judge. The Court finds no error. Plaintiff's complaint falls short of satisfying the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure.

CONCLUSION

For the reasons set out above and in the Report and Recommendation, Plaintiff's objection is overruled and the Report and Recommendation of the Magistrate Judge is accepted. Defendants' motions to dismiss (ECF Nos. 28 & 45) are hereby GRANTED and this case is dismissed.

IT IS SO ORDERED.

s/ Mary G. Lewis
United States District Judge

Columbia, South Carolina
December 12, 2014