

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

THE BICYCLE PEDDLER, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 3:13-CV-79
)	(Phillips/Guyton)
DOES 1-81,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On July 8, 2013, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed an 11-page Report and Recommendation (R&R) [Doc. 24] in which he recommended that Doe 71's motion to quash subpoena and motion to dismiss for improper joinder [Doc. 18] be granted; Judge Guyton further recommended that plaintiff's claims against Does 2 through 81 be dismissed, without prejudice, for improper joinder.

This matter is presently before the court on plaintiff's 14-page objection to the R&R [Doc. 25]. Defendant Doe 71 has responded to plaintiff's objections [Doc. 26]. As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of the Magistrate Judge's R&R. After carefully considering the record in this case, the briefs of the parties, and the applicable law, the court finds itself in agreement with Magistrate Judge

Guyton's recommendation that Doe 71's motion to quash subpoena and motion to dismiss for improper joinder be granted; and that plaintiff's claims against Does 2 through 81 be dismissed, without prejudice.

The court notes that all of plaintiff's objections to the R&R were fairly and adequately addressed by Judge Guyton. Thus, any further comment by the undersigned is unnecessary and would be duplicative. In sum, the court finds that (1) plaintiff has not alleged sufficient facts to support joinder of defendants under Rule 20 of the Federal Rules of Civil Procedure; (2) the court finds it appropriate to dismiss Does 2-81 from this action; (3) all pending motions to quash subpoenas be granted; and (4) that plaintiff be granted thirty days to serve Doe 1.

For the reasons articulated by Judge Guyton in his R&R, plaintiff's objections to the R&R [Doc. 25] are hereby **OVERRULED** in their entirety whereby the R&R [Doc. 24] is **ACCEPTED IN WHOLE**. Accordingly,

IT IS HEREBY ORDERED:

1. The motion to quash plaintiff's subpoena to Comcast Cable and to dismiss as to Doe 71 for improper joinder [Doc. 18] is **GRANTED**.
2. The claims against Does 2-18 are **DISMISSED, without prejudice**.
3. Defendants' motions to quash [Docs. 7, 10, 11, 12, 13] are **GRANTED**.

4. Plaintiff is **ORDERED** to serve Doe 1 within thirty (30) days of the entry of this Memorandum and Order.

ENTER:

s/ Thomas W. Phillips
United States District Judge