

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|------------------------------------|---|------------------|
| NICHOLAS CIPARRO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 3:13-CV-314 |
| |) | (VARLAN/SHIRLEY) |
| HARRY REID, UNITED STATES SENATOR, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION AND ORDER

This civil action is before the Court on the Report and Recommendation of Magistrate Judge C. Clifford Shirley, Jr., entered on June 25, 2013 [Doc. 3] (the “R&R”). In the R&R, the magistrate judge grants plaintiff’s application to proceed in forma pauperis, but finds that process should not issue because of jurisdictional deficiencies and because the complaint fails to state a claim upon which relief can be granted. Plaintiff has filed an objection to the R&R [Doc. 4].

I. Standard of Review

A court must conduct a *de novo* review of those portions of a magistrate judge’s report and recommendation to which a party objects unless the objections are frivolous, conclusive, or general. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Smith v. Detroit Fed’n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987); *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986). “Objections disputing the correctness of the magistrate’s recommendation, but failing to specify the findings believed to be in error

are too general and therefore insufficient.” *Stamtec, Inc. v. Anson*, 296 F. App’x 516, 519 (6th Cir. 2008) (citing *Spencer v. Bouchard*, 449 F.3d 721, 725 (6th Cir. 2006)). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations” made by the magistrate judge. 28 U.S.C. § 636(b)(1).

II. Analysis

Plaintiff’s objection addresses the issue of standing and asserts that he has suffered damages as a result of the allegations set forth in the complaint [*See* Doc. 4]. The Court has reviewed the objection and concludes that, even if plaintiff has standing, the magistrate judge was correct in recommending that the complaint be dismissed for failure to state a claim. And the Court notes that plaintiff makes no objection in this regard.

III. Conclusion

Accordingly, and after reviewing the record in this case, including the R&R, as well as the relevant law, the Court agrees with the magistrate judge’s recommendation that the complaint be dismissed. The Court, therefore, **ACCEPTS** the R&R [Doc. 3] and **DISMISSES** plaintiff’s complaint. The Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/Debra C. Poplin
CLERK OF COURT