

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DOUGLAS S. FOSTER,

Plaintiff,

v.

KAREN H. BROOKS,

Defendant.

)
)
)
)
)
)
)
)
)
)
)
)

NO. 3:18-cv-00323

JUDGE CAMPBELL

MAGISTRATE JUDGE HOLMES

ORDER

Pending before the Court is the Magistrate Judge’s Report and Recommendation (Doc. No. 20), recommending the Court grant Defendant’s Karen H. Brooks’ Motion to Dismiss Plaintiff’s Complaint (Doc. No. 15). In the Report, the Magistrate Judge determined that the Court lacks subject matter jurisdiction of Plaintiff’s claims based on the *Rooker-Feldman* doctrine. Alternatively, the Magistrate Judge concluded that the “domestic relations exception” precludes the Court from hearing this case. Finally, the Magistrate determined that subject matter jurisdiction could not rest on Plaintiff’s citation of 10 U.S.C. §§ 1401-1415 because there is no private right of action under those provisions for his claims.

Plaintiff has filed a Motion for *De Novo* Determination by the District Judge (Doc. No. 21). The Court construes the Motion as objections to the Report and Recommendation. Under 28 U.S.C. § 636(b)(1) and Local Rule 72.02, a district court reviews *de novo* any portion of a report and recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). General or conclusory objections are insufficient. *See Zimmerman v. Cason*, 354 F. Appx. 228, 230 (6th Cir. 2009). Thus, “only those specific objections to the magistrate’s report


made to the district court will be preserved for appellate review.” *Id.* (quoting *Smith v. Detroit Fed’n of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987)). In conducting the review, 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)(C).

The Court has reviewed the conclusions reached by the Magistrate Judge, and Plaintiff’s lengthy Memorandum of objections. The Court fully agrees with the Magistrate Judge’s conclusion that subject matter jurisdiction is lacking in this case as Plaintiff’s claims are, in essence, a request for this Court to overturn the state courts’ interpretation of the parties’ Marital Dissolution Agreement and divorce decree, which is prohibited by the *Rooker-Feldman* doctrine and the domestic relations exception. In addition, the Court agrees that Plaintiff’s citation of 10 U.S.C. §§ 1401-1415 does not confer subject matter jurisdiction because he has not established these statutes create a private right of action under the facts alleged. Plaintiff’s objections fail to state viable grounds to challenge these conclusions, or otherwise provide a basis to reject or modify the Report and Recommendation.

Having fully considered Plaintiff’s objections, the Court concludes they are without merit, and that the Report and Recommendation should be adopted and approved. Accordingly, Defendant’s Motion to Dismiss (Doc. No. 15) is **GRANTED**, and this case is **DISMISSED**, with prejudice.

This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

It is so **ORDERED**.


WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE