

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

LEONARD QUINN,)	
)	
Plaintiff,)	
)	
VS.)	No. 15-1104-JDT-egb
)	
UNION CITY GROUP HOME AT)	
GENERATIONS,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

On May 4, 2015, Plaintiff Leonard Quinn, who currently resides in Memphis, Tennessee, filed a *pro se* civil complaint pursuant to 42 U.S.C. § 1983, accompanied by a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) United States Magistrate Judge Edward G. Bryant subsequently granted leave to proceed *in forma pauperis*. (ECF No. 4.) On March 9, 2016, Magistrate Judge Bryant issued a Report and Recommendation (“R&R”) in which he recommended the case be dismissed *sua sponte*. (ECF No. 6.) Objections to the R&R were due within fourteen days. *See* Fed. R. Civ. P. 72(b)(2), *see also* Fed. R. Civ. P. 6(a)(1)(C), (d). However, Plaintiff has filed no objections to the R&R, and the time within which to do so has expired.

Plaintiff has sued the Union City Group Home at Generations. The Magistrate Judge noted that although he seeks compensation, Plaintiff’s actual claims cannot be discerned beyond the fact that he was not satisfied with the conditions at the Group Home. Magistrate Judge Bryant also found that any claims for injunctive relief are moot because Plaintiff is no longer at the Group

Home; indeed, Plaintiff states he was there “for only a couple days.” (ECF No. 1 at 2.) Therefore, the Magistrate Judge determined that the complaint failed to state a claim on which relief may be granted.

Plaintiff complains that the food portions at the Group Home were inadequate and that when he asked for a pack of cigarettes, he was given the wrong kind. When Plaintiff told “them” he was physically and mentally able to manage his own money and food stamps, “they” told another tenant that Plaintiff was a bad influence. (*Id.*) However, Plaintiff has not alleged that he was actually harmed by any of these things. Therefore, the Court agrees that this case should be dismissed.

The Court ADOPTS the R&R and hereby DISMISSES this case for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(b)(6). Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Plaintiff is not taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE