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

ANTHONY D. HAYES, SR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
DWIGHT COWANS, TOM	)	
LEATHERWOOD, Register of Deeds,	)	**No. 14-2366-STA-dkv**
DAVID LENOIR, Shelby County	)	
Trustee, RINOK EMPLOYEE	)	
SHARING PROFIT PLAN, LLC, and	)	
SHELBY COUNTY, in their individual	)	
and official capacities,	)	
	)	
Defendants.	)	

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION DISMISSING PLAINTIFF'S COMPLAINT

On May 16, 2014, Plaintiff Anthony D. Hayes, Sr. ("Plaintiff") filed a *pro se* Complaint

(D.E. #1) and Motion seeking leave to proceed *in forma pauperis* (D.E. # 2). On May 20, 2014,

the Court issued an Order (D.E. # 4) granting leave for Plaintiff to proceed *in forma pauperis*.

On May 28, 2014, Plaintiff filed a pleading entitled "Notice to Remove," which seeks to remove

a pending detainer action in the General Sessions Court of Shelby County to this court based on

federal-question jurisdiction.

This case has been referred to Magistrate Judge Diane K. Vescovo for case management

and for all pretrial matters for determination and/or report and recommendation as appropriate.

The Magistrate Judge made a *sua sponte* review of plaintiff's Complaint to determine whether

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the complaint should be dismissed because it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief pursuant to 28 U.S.C. § 1915(e)(2)(B). On June 5, 2014, the Magistrate Judge entered a Report & Recommendation (D.E. # 6), recommending that the Complaint be dismissed for lack of subject matter jurisdiction and/or for failure to state a claim and that the motion for removal be denied.

First, objections to the Report and Recommendation were due within 14 days of the entry of the Report, making the objections due on or before June 19, 2014. Plaintiff's Objections (D.E. # 7), which he filed on June 27, 2014, were untimely.

Additionally, even if Plaintiff's objections were not untimely, Federal Rule of Civil Procedure 72(b)(2) states: "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file *specific written objections* to the proposed findings and recommendations."[1] A general objection to a report is insufficient and has the same effect as a failure to object.[2] When a party fails to object to a magistrate judge's report, he waives his right to appeal.[3] Plaintiff fails to identify any specific objection to the Magistrate Judge's Report and Recommendation. Rather, Plaintiff makes general assertions such as "this report appears as an act of war to refuse Petitioner's the remedy in law[;]"[4] "[i]n light of the facts presented to the

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[1] Fed. R. Civ. P. 72(b)(2) (emphasis added).

[2] *Howard v. Secretary of HHS*, 932 F.2d 505, 508-09 (6th Cir. 1991).

[3] *Id.* at 508 ("a party waives his or her right to appeal by failing to file objections to a magistrate's report and recommendation.").

[4] (Pl.'s Report and Recommendation at 1, D.E. # 7.)

court by the Magistrate, the Defendants have not filed a motion to dismiss[;]"[5] "Petitioner's facts

are concrete evidence pursuant to Tennessee Laws[;]"[6] and "Petitioner sufficiently alleged facts

necessary to prove each element of the cause of action."[7] Because Plaintiff has failed to make

any specific objections to the Magistrate Judge's Report and Recommendation, he waived any

objections.

Having reviewed the Magistrate Judge's Report and Recommendation *de novo*, the

parties' briefs, and the entire record of the proceeding, the Court hereby **ADOPTS** the Magistrate

Judge's Report and Recommendation. Consistent with the Report and Recommendation,

Plaintiff's Complaint is **DISMISSED** and Plaintiff's Motion for Removal is **DENIED**.

IT IS SO ORDERED.

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s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: July 1, 2014.

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[5] (*Id.* at 3.)

[6] (*Id.*)

[7] (*Id.*)