

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

JONATHAN D. SYKES,)	
)	
Plaintiff,)	
)	
VS.)	No. 16-2077-JDT-cgc
)	
LOS ANGELES POLICE)	
DEPARTMENT and JOSE ROBLEDO,)	
)	
Defendants.)	

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 February 4, 2016, Plaintiff Jonathan D. Sykes, a resident of Memphis, Tennessee, filed a *pro se* complaint on the form used for commencing an action pursuant to 42 U.S.C. § 1983, accompanied by a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) United States Magistrate Judge Charmiane D. Claxton granted leave to proceed *in forma pauperis* on October 31, 2016, and issued a Report and Recommendation (“R&R”) in which she recommended the Court dismiss the case *sua sponte* for failure to state a claim. (ECF No. 5.) Objections to the R&R were due within fourteen days, on or before November 17, 2016. *See* Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(a), (d). However, Plaintiff has filed no objections.

Plaintiff has named the Los Angeles Police Department (“LAPD”) and LAPD Detective Jose Robledo as Defendants. However, as noted by the Magistrate Judge, the complaint is simply a lengthy timeline describing how Defendant Robledo and a great many unidentified “cartel” workers have supposedly watched, followed and recorded Plaintiff’s activities since December 2013 in

various places in California and Mississippi and in Memphis with the aim of killing him. For example, Plaintiff states that on one particular day in Memphis, various individuals recorded his movements:

- 01-11-2016 Cartel followed me from the front
(1) Pretends to play the lottery while recording me with his cellphone
(1) Followed me from the front as he exits the BP store at Summer & Sevier
- Durham school bus driver follows me from the rear with a bus load of kids, recording me with his cellphone.
- 717 Sevier Mphs, TN Records me with his kids from the front as I walk by.
- 01-11-2016 Multiple cartel workers caught recording me with their cellphones
(1) Pretends to exercise
(1) Pretends to rent or buy a house, its [sic] vacant
(1) Comcast worker recording me as he turns the corner
(1) Cartel worker records me as he passes me on his bicycle
(1) Cartel worker pulls up and records me with his cellphone, then leaves
(1) Cartel worker sits and waits with a van full of kids following me from the front
(3) Cartel workers pretends [sic] to work on a fence
(1) Cartel worker stops and pretends to pick up pecans, as I passby [sic] walking he takes off after recording me with his kids.

(ECF No. 1 at 7.)

Magistrate Judge Claxton found that the complaint is incomprehensible and fails to comply with Federal Rule of Civil Procedure 8(a)(2), requiring a pleading to contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Therefore, she concluded the complaint does not state a plausible claim against any defendant under any colorable legal theory. The Court agrees with that conclusion and ADOPTS the R&R. Accordingly, the complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.

Pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), the Court CERTIFIES that an appeal by Plaintiff would not be taken in good faith and DENIES leave to appeal *in forma pauperis*. Accordingly, if Petitioner files a notice of appeal, he must also pay the entire \$505 appellate filing fee or file a motion to proceed *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

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