

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

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<p>JASON J. SMITH,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p>v.</p> <p>FRED JONES,</p> <p style="padding-left: 40px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. 2:17-cv-02654-TLP-cgc</p> <p style="text-align: center;"><b>JURY DEMAND</b></p>
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**ORDER ADOPTING THE REPORT AND RECOMMENDATION**

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Before the Court is a Report and Recommendation (“R&R”) from Magistrate Judge Charmaine G. Claxton. (ECF No. 9.) The R&R recommends (1) dismissal of Plaintiff’s claims, (2) certification that an appeal would not be taken in good faith, and (3) denial of any potential motion for Plaintiff to proceed in forma pauperis on appeal. (*Id.* at PageID 20–21.) Specifically, Plaintiff’s claim seeks \$2.5 million in compensatory damages for slander and defamation. (ECF No. 1 at PageID 2–3.) The R&R argues that these claims are a matter of state law and that Plaintiff asserts no diversity jurisdiction. (ECF No. 9 at PageID 20.) Furthermore, the R&R concludes that any potential § 1983 claim fails to state a claim under Rule 8 of the Federal Rules of Civil Procedure. (*Id.* at PageID 19–20.) As a result, it recommends dismissal of Plaintiff’s slander and defamation claims without prejudice and dismissal of Plaintiff’s § 1983 claim with prejudice. (*Id.* at PageID 20.)

“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.” Fed. R. Civ. P. 72(b)(2). Plaintiff did not object to the R&R and his objection window expired on July 30, 2018. *See* Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee note. After reviewing the R&R, the Court finds no clear error. The Court thus **ADOPTS** the R&R, **DISMISSES** Plaintiff’s slander and defamation claims **WITHOUT PREJUDICE**, **DISMISSES** Plaintiff’s § 1983 claim **WITH PREJUDICE**, and **CERTIFIES** that an appeal would not be taken in good faith that Plaintiff may not proceed in forma pauperis on appeal.

**SO ORDERED**, this 17th day of August, 2018.

s/ Thomas L. Parker

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THOMAS L. PARKER

UNITED STATES DISTRICT JUDGE