

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

EDWARD LYNN MEADOR,)	
)	
Plaintiff,)	
)	
VS.)	No. 18-2095-JDT-cgc
)	
UNITED STATES OF AMERICA, VA)	
MEMPHIS HOSPITAL,)	
)	
Defendants.)	

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

On February 9, 2018, Plaintiff Edward Lynn Meador, a resident of Memphis, Tennessee, filed a *pro se* civil complaint and a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) The complaint is filed on the form used for commencing actions pursuant to 42 U.S.C. § 1983, but the only Defendants named in the action are the United States and the Veterans Affairs Hospital in Memphis, Tennessee. On March 20, 2018, U.S. Magistrate Judge Charmiane G. Claxton issued an order granting Plaintiff leave to file the complaint *in forma pauperis*. (ECF No. 7.) That order also directed Plaintiff to notify the Clerk promptly of any change of address and warned that failure to do so could result in dismissal of the case without further notice. (*Id.* at 2.)

Magistrate Judge Claxton subsequently issued a Report and Recommendation (R&R) on November 7, 2018, in which she recommended the complaint be dismissed *sua sponte* for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (ECF No. 8.) Objections to the R&R

were due on or before November 26, 2018. *See* Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(a), (d). However, on December 3, 2018, the copy of the R&R mailed to Plaintiff's address of record was returned undeliverable. (ECF No. 10.) Plaintiff has submitted no change of address and has filed no objections to the R&R.

Plaintiff alleges in the complaint that when he came from Texas to Memphis in 2016, he discovered the VA Hospital in Memphis had accused him of attempted arson at that facility. As a result of that accusation, a "red flag" was placed on him that allegedly caused him to be unable to lease an apartment. Plaintiff further alleges the VA Hospital took his benefits and that the Social Security Administration takes \$60 per month because his social security check was stolen. (ECF No. 1 at 2.) He asks that the red flag be removed and that he be awarded monetary compensation for the hardship he endured and damage to his reputation. (*Id.* at 3.)

In the R&R, Magistrate Judge Claxton determined the complaint in this case is subject to dismissal in its entirety. The Court finds no error in this conclusion, as Plaintiff factual allegations cannot plausibly support any claim over which this Court has jurisdiction. Therefore, the R&R is ADOPTED, and this case 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.

It is CERTIFIED, pursuant to Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Plaintiff would not be taken in good faith. Leave to appeal *in forma pauperis* is, therefore, DENIED. Accordingly, if Plaintiff files a notice of appeal, he must also pay the full \$505 appellate filing fee to the District Court Clerk or file a motion for leave to appeal *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