

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Xezakia Rouse,

Plaintiffs,

v.

Julie Gibson, *et al.*,

Defendants.

Case No. 1:17cv71

Judge Michael R. Barrett

ORDER

This matter is before the Court upon the Magistrate Judge's February 6, 2017 Report and Recommendation ("R&R"). (Doc. 5). The parties were given proper notice pursuant to Federal Rule of Civil Procedure 72(b), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *See United States v. Walters*, 638 F.2d 947, 949-950 (6th Cir. 1981). Plaintiff did not file objections to the R&R. Instead, Plaintiff filed a Motion to Withdraw his Complaint (Doc. 6); Motion for Temporary Restraining Order (Doc. 7) and Motion for Consolidation of Jurisdictions and Motion for Disclosure of Defendants (Doc. 8).

Plaintiff is proceeding *pro se* in this matter. The Magistrate Judge reviewed Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). The Magistrate Judge explained that Plaintiff alleges violations of his constitutional rights and federal statutes based on allegations that various individuals and groups have tapped his phones, used facial recognition software to identify and follow him, and also used "Remote Neural Monitoring and Voice to Skull" technology against him. The Magistrate Judge concluded that Plaintiff's allegations do not state a claim with an arguable basis in fact

or law, or are insufficient to state a claim upon which relief may be granted. The Court finds no error in this conclusion. Therefore, the Magistrate Judge's February 6, 2017 R&R (Doc. 5) is **ADOPTED**. Plaintiff's Complaint is **DISMISSED with PREJUDICE**.

Accordingly, Plaintiff's Motion to Appoint Counsel (Doc. 4); Motion to Withdraw his Complaint (Doc. 6); Motion for Temporary Restraining Order (Doc. 7) and Motion for Consolidation of Jurisdictions and Motion for Disclosure of Defendants (Doc. 8) are **DENIED as MOOT**.

This Court certifies pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this R&R would not be taken in good faith and therefore, Plaintiff is **DENIED** leave to appeal in forma pauperis. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. See *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), *overruling in part Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

/s/ Michael R. Barrett
JUDGE MICHAEL R. BARRETT