

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MICHELLE R. MATHIS, *et al.*,

Plaintiffs,

vs.

Civil Action 2:12-cv-322  
Judge Marbley  
Magistrate Judge King

MIKE DeWINE, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Michelle R. Mathis ("plaintiff") has filed a complaint, which she characterizes as a class action complaint, asserting claims on her own behalf and on behalf of 16 other named individuals.<sup>1</sup> Plaintiff's application for leave to proceed without prepayment of fees or costs has been granted. This matter is now before the Court for the initial screen of the *Complaint* required by 28 U.S.C. §1915(e).

The Claims Asserted in the Complaint

Plaintiff seeks injunctive relief of an unspecified nature as well as \$900 billion in compensatory damages. The *Complaint*, which is signed only by plaintiff, describes the action as follows:

This is a class action lawsuit arising out of the fraudulent and/or inaccurate criminal records, human trafficking of Plaintiff and class members, digital rapes, violations of First Amendment, Fourth Amendment, Nineth [sic] Amendment, Thirteenth Amendment and Fourteenth Amendment to

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<sup>1</sup> Plaintiff has submitted an amended complaint which omits one of the original plaintiffs named in the original *Complaint*.

the U.S. Constitution on all members of the class and Plaintiff.

*Complaint*, p. 8. The *Complaint* specifically alleges that the rapper "Shawn Carter (A.K.A. Jay-Z)" is "the person in operation of the human trafficking," *id.*, and that the

people of the United States of America have place [sic] remote neural monitoring on Plaintiff and class members to control us as human traffick [sic] victims to not continue to place court complaints or even do court complaints because people of United States of America refuse to do anything about our torment, abuse, digital rapes, rapes and human trafficking.

*Id.* Reports of the alleged human trafficking have been made to the Columbus Police and the Toledo Police Departments, as well as to the Ohio Attorney General and associated agencies, but no action has been taken.

*Id.* at 9.

The *Complaint* also asserts claims arising out of certain court proceedings involving Mia Clayborne, one of the other named plaintiffs, based on a criminal complaint made by defendant Kristi Amick. *Id.* at 11. A state court judge and magistrate, also named as defendants, "which are heavily into human trafficking of Plaintiff and Class members by allowing legal malpractice," *id.*,

continued to conduct court hearings to emotionally distress and maliciously harm Shanda Mathis and her children (all class members) even though Shanda Mathis filed complaints and a lawsuit on Judge Jim Mason.

*Id.* at 12. Also named as defendants are the attorney who represented Mia Clayborne and the Assistant Prosecutor who prosecuted her.

Plaintiff also alleges that the Ohio Attorney General has refused to correct plaintiff's false and inaccurate criminal record and who has "a secret court order" on her which subjects her to electronic

surveillance and wiretaps by the National Security Agency, whose Director is also named as a defendant. *Id.* at 15.

Finally, the *Complaint* names as defendants "President Barack Obama and Michelle Obama," and alleges that "Shawn Carter (A.K.A. Jay-Z) has a close relationship with President Barack Obama." *Id.* at 8.

### **Discussion**

To the extent that plaintiff attempts to assert claims of other individuals, such as Mia Clayborne and Shanda Mathis, she lacks standing and authority to do so. See 28 U.S.C. § 1654 ("In all courts of the United States the parties may plead and conduct their own cases personally or by counsel . . . .") Plaintiff, who is not an attorney licensed to practice law in this Court, cannot present the claims of others.

Plaintiff appears to assert on her own behalf claims arising out of alleged "human trafficking" by Jay-Z, reports about that human trafficking and "place[ment] of remote neural monitoring" on plaintiff, resulting in electronic wiretaps by the Director of the National Security Agency. The United States Supreme Court has explained that a complaint filed *in forma pauperis* should be dismissed as frivolous if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A complaint lacks an arguable basis in law or fact if it is based on legal theories that are indisputably without merit or if it contains factual allegations that are "fantastic or delusional." *Id.* at 327-28; *Brand v. Motley*, 526 F.3d 921, 923-24 (6<sup>th</sup> Cir. 2008). This Court concludes that the claims asserted by plaintiff on her own behalf are based on factual allegations that are fantastic or delusional.

It is therefore **RECOMMENDED** that the action be dismissed.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

May 1, 2012  
(Date)

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge