

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.

OPINION AND ORDER

On May 1, 2012, the United States Magistrate Judge recommended that this action be dismissed. *Report and Recommendation*, Doc. No. 4. This matter is now before the Court on the objections to that recommendation filed by Michelle R. Mathis. *Objection*, Doc. No. 8. The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)

Plaintiff Michelle R. Mathis ("plaintiff") purports to bring this action for injunctive and monetary relief on behalf of herself and 16 other named individuals, characterizing the action as a class action under Fed. R. Civ. P. 23. The Magistrate Judge reasoned that plaintiff lacks standing to assert the claims of others and, as a non-lawyer, lacks authority to represent others in this Court. See 28 U.S.C. § 1654. As to the claims of "human trafficking" and "remote neural monitoring" by defendants Barack and Michelle Obama, the rapper Jay-Z, the Director of the National Security Agency and the Ohio Attorney General, which claims

are asserted on behalf of plaintiff herself as well as the other named plaintiffs, the Magistrate Judge reasoned that such claims lack an arguable basis in fact or law because they contain factual allegations that are "'fantastic or delusional.'" *Report and Recommendation*, p. 3 (quoting *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989)). The Magistrate Judge therefore recommended that the action be dismissed.

In her objections, plaintiff first complains that, because she invokes the procedures governing class actions, she has standing and authority to pursue the claims of the other named plaintiffs. This Court rejects plaintiff's attempts to pursue the claims of others under the guise of class allegations. The claims arising out of state judicial proceedings involving Mia Clayborne, one of the other named plaintiffs, simply do not involve plaintiff. It therefore cannot be said that plaintiff's claims "are typical of the claims . . . of the class" Fed. R. Civ. P. 23(a)(3).

The *Complaint* does allege that plaintiff, like the other named plaintiffs, have been the victims of "human trafficking" and other misconduct. Even assuming that the alleged class of 16 named plaintiffs "is so numerous that joinder of all members is impracticable," Fed. R. Civ. P. 23(a)(1), that conclusion does not address the Magistrate Judge's characterization of the allegations of the *Complaint* in this regard as fantastic or delusional. This Court agrees with that characterization and therefore agrees that the action must be dismissed.

The objections of plaintiff Michelle Mathis, Doc. No. 8, are **DENIED**. The *Report and Recommendation*, Doc. No. 4, is **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED**.

The Clerk shall enter **FINAL JUDGMENT**.

Moreover, the Court concludes that an appeal from the judgment entered in this action would not be taken in good faith. See 28 U.S.C. § 1915(a).

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge

DATED: July 16, 2012