

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Kevin Leroy Parrish v. Dennis Fabbro/Scholastic Book Fairs Inc.

Parrish · No. 1:24cv535 · Decided December 1, 2025

SUMMARY

The United States District Court for the Southern District of Ohio adopted a magistrate judge’s Report and Recommendation and dismissed Kevin Leroy Parrish’s action with prejudice for failure to state a claim. The court concluded that it lacked subject-matter jurisdiction over claims arising from Ohio unemployment proceedings and that the plaintiff had not adequately pleaded a wrongful-termination claim. The court also denied leave to appeal in forma pauperis and ordered the matter closed.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Michael R. Barrett
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	December 1, 2025
DOCKET	1:24cv535
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed the Magistrate Judge’s Report and Recommendation recommending dismissal with prejudice for failure to state a claim. After reviewing the plaintiff’s objections de novo, the district court adopted the R&R and dismissed the action with prejudice.
STANDARD OF REVIEW	De novo review of properly made objections to a magistrate judge’s disposition of a dispositive matter under Federal Rule of Civil Procedure 72(b)(3) and 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Kevin Leroy Parrish v. Dennis Fabbro/Scholastic Book Fairs Inc.

TOPICS

subject matter jurisdiction

unemployment benefits

wrongful termination

pleadings

civil procedure

PRACTICE AREAS

civil procedure

employment law

administrative law

QUESTIONS PRESENTED

1. Whether the plaintiff's objections to the Magistrate Judge's Report and Recommendation required de novo review or warranted rejection of the recommendation.
2. Whether a federal district court has jurisdiction to review an adverse decision of the Ohio Unemployment Compensation Review Commission.
3. Whether the plaintiff alleged sufficient facts to state a wrongful-termination claim.

HOLDINGS

1. A district judge must conduct de novo review of those portions of a magistrate judge's dispositive recommendation to which specific objections are properly made; vague, general, or conclusory objections do not satisfy the objection requirement.
2. When a state provides appellate review of a state administrative agency's decision, a federal district court lacks both original jurisdiction and removal jurisdiction over proceedings seeking review of that decision.
3. The plaintiff failed to state a wrongful-termination claim because he did not allege facts supporting any recognized legal theory for such a claim.

KEY QUOTATIONS

“When a state provides for appellate review of a state administrative agency's decision, federal district courts have neither original jurisdiction nor removal jurisdiction over the review proceedings.”

“Accordingly, it is hereby ORDERED that this action be DISMISSED with prejudice for failing to state a claim for relief.”

FACTUAL BACKGROUND

Kevin Leroy Parrish, proceeding pro se, described proceedings before the Ohio Unemployment Compensation Review Commission and sought damages for lost wages and related hardships, including mental stress and financial difficulties. He also appeared to assert a wrongful-termination claim. The order states that Parrish did not allege facts establishing a viable legal theory for wrongful termination.

PROCEDURAL HISTORY

The Magistrate Judge issued a November 7, 2024 Report and Recommendation concluding that the action should be dismissed because the plaintiff's state-law claims did not establish federal subject-matter jurisdiction and failed to state a claim. The plaintiff filed objections on January 2, 2025. The district judge concluded that the

objections were insufficiently specific and, in any event, that the asserted claims could not proceed in federal district court or satisfy the requirements for a wrongful-termination claim.

DISPOSITION

dismissed

CASES CITED

- Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995)
- Slater v. Potter, 28 F. App'x 512, 513 (6th Cir. 2002)
- Daniels v. New Prime, Inc., No. 1:13-CV-402, 2013 WL 4776544, at *2 (S.D. Ohio Sept. 6, 2013), report and recommendation adopted, 2013 WL 5470162 (S.D. Ohio Sept. 29, 2013)
- Medina v. Eugenio Painting Co., 90 F. App'x 910, 911 (6th Cir. 2004)
- Saines v. Aging Comm'n of the Mid-S., No. 2:24-CV-02248-SHL-CGC, 2025 WL 241123, at *1 (W.D. Tenn. Jan. 17, 2025)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION Kevin Leroy Parrish, Plaintiff, v. Case No. 1:24cv535 Dennis Fabbro/Scholastic Judge Michael R. Barrett Book Fairs Inc., Defendant. ORDER This matter is before the Court upon the Magistrate Judge's November 7, 2024 Report and Recommendation ("R&R") recommending that this action be dismissed with prejudice for failure to state a claim for relief.

(Doc. 5). The Magistrate Judge explained that this Court lacks subject-matter jurisdiction because Plaintiff's pro se claims arise under state law and there is no complete diversity of citizenship. (Doc. 5, PAGEID 25).

On January 2, 2025, Plaintiff filed written objections to the Report. (Doc. 13).¹ When objections to a magistrate judge's report and recommendation are received on a dispositive matter, the assigned district judge "must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3).

After review, the district judge "may accept, reject, or modify the recommended decision; receive further evidence; or return the matter to the magistrate judge with instructions." Id.; see also 28 U.S.C. § 636(b)(1).

However, "[t]he objections must be ¹Plaintiff's filing is titled "Reply to Motion of Extension," but the substance of the document makes it clear that he is objecting to R&R. clear enough to enable the district court to discern those issues that are dispositive and contentious." Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995); see also Slater v. Potter, 28 F. App'x 512, 513 (6th Cir.

2002) (“The filing of vague, general, or conclusory objections does not meet the requirement of specific objections and it tantamount to a complete failure to object.”). In his objections, Plaintiff describes the procedural history of proceedings before the Ohio Unemployment Compensation Review Commission. (Doc. 13, PAGEID 45-46). Plaintiff also describes his difficulty in obtaining legal representation.

(Doc. 13, PAGEID 46). Finally, Plaintiff repeats his request for an award of damages based on lost wages and “hardships; mental stress, financial.” (Doc. 13, PAGEID 47). To the extent Plaintiff challenges an adverse decision of the Ohio Unemployment Compensation Review Commission: “When a state provides for appellate review of a state administrative agency's decision, federal district courts have neither original jurisdiction nor removal jurisdiction over the review proceedings.” *Daniels v. New Prime, Inc.*, No. 1:13-CV-402, 2013 WL 4776544, at *2 (S.D.

Ohio Sept. 6, 2013), report and recommendation adopted, 2013 WL 5470162 (S.D. Ohio Sept. 29, 2013). To the extent that Plaintiff brings a wrongful termination claim, he does not set forth allegations which would support the basis for any legal theory; and therefore, he has failed to state a claim upon which relief may be granted. Accord *Medina v. Eugenio Painting Co.*, 90 F. App'x 910, 911 (6th Cir.

2004); see also *Saines v. Aging Comm'n of the Mid-S.*, No. 2:24-CV- 02248-SHL-CGC, 2025 WL 241123, at *1 (W.D. Tenn. Jan. 17, 2025) (dismissing case for failure to state a claim where the plaintiff did not “offer any other basis for a determination of wrongful termination such as retaliation, termination in breach of an employment contract or termination for exercising workers compensation rights, rights under the Americans with Disabilities Act or the Family Medical Leave Act.”).

Based on the foregoing, the Magistrate Judge’s November 7, 2024 R&R (Doc. 5) is ADOPTED. Accordingly, it is hereby ORDERED that this action be DISMISSED with prejudice for failing to state a claim for relief. This Court certifies pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith; and Plaintiff is DENIED leave to appeal in forma pauperis.

This matter shall be CLOSED and TERMINATED from the active docket of this Court. IT IS SO ORDERED. /s/ Michael R. Barrett Michael R. Barrett United States District Judge