

**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

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