

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

Aquarius Johnson v. Drake Aubrey Graham and Jahron Anthony
Brathwaite

Johnson v. Graham · No. 1:25-cv-597 · Decided February 20, 2026

SUMMARY

The United States District Court for the Western District of Michigan grants Plaintiff Aquarius Johnson leave to proceed in forma pauperis for service purposes but dismisses his copyright infringement complaint without prejudice. The court holds that Johnson cannot state a copyright infringement claim because he had not registered the alleged copyright, and any analogous state-law claim would be preempted by the Copyright Act. The court rejects the magistrate judge's report and recommendation recommending dismissal for failure to timely serve the defendants.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Hala Y. Jarbou
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	February 20, 2026
DOCKET	1:25-cv-597
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court reviewed a magistrate judge's report and recommendation recommending dismissal for failure to serve the defendants. After granting the plaintiff leave to proceed in forma pauperis for service purposes, the court independently screened the complaint and dismissed it without prejudice for failure to state a claim.
STANDARD OF REVIEW	The court screened the in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B), dismissing it if frivolous, malicious, or failing to state a claim upon which relief may be granted.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not identified in the source.

TOPICS

copyright infringement

copyright law

motions to dismiss

service of process

civil procedure

PRACTICE AREAS

Copyright

Civil procedure

In forma pauperis proceedings

Pleading sufficiency

QUESTIONS PRESENTED

1. Whether the court should grant Plaintiff in forma pauperis status for purposes of service despite his payment of the filing fee.
2. Whether Plaintiff's copyright-infringement complaint stated a claim when Plaintiff alleged that he had not registered the relevant copyright.
3. Whether any analogous state-law claim was preempted by the Copyright Act.

HOLDINGS

1. The court granted Plaintiff's initial application to proceed in forma pauperis for purposes of service, allowing the United States Marshals to serve the complaint.
2. Plaintiff could not state a copyright-infringement claim because he alleged that he had not registered the copyright for the album or songs at issue.
3. Any analogous state-law claim was preempted by the Copyright Act.

KEY QUOTATIONS

““Before pursuing an infringement claim in court, however, a copyright claimant generally must comply with § 411(a)’s requirement that ‘registration of the copyright claim has been made.’”” (PageID.3)

““Therefore, although an owner’s rights exist apart from registration, registration is akin to an administrative exhaustion requirement that the owner must satisfy before suing to enforce ownership rights.”” (PageID.3)

FACTUAL BACKGROUND

Plaintiff alleged that Drake Aubrey Graham and Jahron Anthony Brathwaite used music Plaintiff had written on a recent album without compensating him. Plaintiff claimed that he writes songs for many artists, that numerous works were stolen along with his music book, and that authorship could be shown through playing the songs backward or identifying subliminal messages. Plaintiff also alleged that he was unable to obtain a copyright for the album or songs at issue.

PROCEDURAL HISTORY

Plaintiff, a pro se prisoner, filed a copyright-infringement complaint and initially applied to proceed in forma pauperis. He paid the filing fee before the court ruled on that application. Magistrate Judge Sally J. Berens recommended dismissal because Plaintiff had not served any defendant within the required period. Plaintiff objected, asserting that he believed the United States Marshals would serve the complaint. The district court

granted in forma pauperis status for purposes of service, rejected the R&R, screened the complaint under 28 U.S.C. § 1915(e)(2), and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Fourth Est. Pub. Benefit Corp. v. Wall-Street.com, LLC, 586 U.S. 296, 301 (2019)
- Ritchie v. Williams, 395 F.3d 283, 286–87 (6th Cir. 2005)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION AQUARIUS JOHNSON, Plaintiff, Case No. 1:25-cv-597 v. Hon. Hala Y. Jarbou DRAKE AUBREY GRAHAM and JAHRON ANTHONY BRATHWAITE, Defendants.

_____/ ORDER In this lawsuit brought by a prisoner proceeding pro se, Plaintiff Aquarius Johnson alleges that two musicians—Drake Aubrey Graham (known as “Drake”) and Jahron Anthony Brathwaite (known as “PartyNextDoor”)—used his music on their recent album without compensation.

Plaintiff initially applied to proceed in forma pauperis and submitted financial affidavits in support (ECF Nos. 2, 2-1, 7), but Plaintiff paid the filing fee before the Court ruled on his application. On January 9, 2026, Magistrate Judge Sally J. Berens issued a report and recommendation (R&R) that the Court dismiss the case because Plaintiff had failed to serve any defendants within the required time period (ECF No. 13).

Plaintiff filed an objection to the R&R (ECF No. 18) indicating that he believed he was proceeding in forma pauperis and thus expected the United States Marshals to serve his complaint. See 28 U.S.C. § 1915(d) (providing that “[t]he officers of the court shall issue and serve all process” in cases where a party proceeds in forma pauperis).

For the purposes of service, the Court will grant Plaintiff’s initial application to proceed in forma pauperis. However, when a plaintiff proceeds in forma pauperis, “the court shall dismiss the case at any time” based on a finding that the complaint “is frivolous or malicious” or “fails to state a claim on which relief may be granted.” Id. § 1915(e)(2)(B)(i)–(ii).

This provision applies “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid.” Id. § 1915(e)(2). Therefore, the Court will proceed to evaluate the sufficiency of Plaintiff’s complaint. Plaintiff alleges that “[t]he musician known as Drake has stolen music” from him. (Compl., ECF No. 1, PageID.3.) He claims that he wrote songs for Drake that the artist used on his new album without compensation.

(Id.) Plaintiff alleges that he writes songs for many artists and that “countless” instances of his work were “stolen” along with his “music book.” (Id.) He suggests that Drake “never thought to compensate” Plaintiff (id.), and that Drake is “possibly maybe in possession of the plaintiff’s music book and unknowingly published this album without knowing this music was stolen” (id., PageID.5).

He claims that evidence of his authorship can be found by playing the songs backwards or through the “subliminal messages” encoded in the songs. (Id., PageID.7.) Plaintiff appears to assert a claim for infringement under the Copyright Act. See 17 U.S.C. § 501. “Before pursuing an infringement claim in court, however, a copyright claimant generally must comply with § 411(a)’s requirement that ‘registration of the copyright claim has been made.’” Fourth Est.

Pub. Benefit Corp. v. Wall-Street.com, LLC, 586 U.S. 296, 301 (2019) (quoting 17 U.S.C. § 411(a)). “Therefore, although an owner’s rights exist apart from registration, registration is akin to an administrative exhaustion requirement that the owner must satisfy before suing to enforce ownership rights.” Id. (citations omitted).

Here, Plaintiff alleges that he “was unable to obtain a copyright for the album or the songs” at issue. (Compl., PageID.3.) Because Plaintiff has not registered his copyright, he cannot state a claim for copyright infringement. And any analogous state law claim would be preempted by the Copyright Act. See *Ritchie v. Williams*, 395 F.3d 283, 286–87 (6th Cir. 2005).

The Court will thus dismiss Plaintiff’s complaint. Accordingly, IT IS ORDERED that Plaintiff is granted leave to proceed in forma pauperis for the purpose of service of the complaint. IT IS FURTHER ORDERED that Plaintiff’s complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE for failure to state a claim. IT IS FURTHER ORDERED that the R&R (ECF No. 13) is REJECTED.

A judgment will enter in accordance with this Order. Dated: February 20, 2026 /s/ Hala Y. Jarbou
HALA Y. JARBOU CHIEF UNITED STATES DISTRICT JUDGE