

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

OPINION

Graham

PER CURIAM.

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