

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HOWARD WALSH,

Plaintiff,

v.

DAVID OWENS,

Defendant.

C.A. No. 26-387-JLH-SRF

ORDER ADOPTING REPORT AND RECOMMENDATION

At Wilmington, this 17th day of July 2026;

WHEREAS, on April 29, 2029, *pro se* Plaintiff Howard Walsh filed an Amended Complaint (D.I. 7) alleging a claim of copyright infringement;

WHEREAS, on June 3, 2026, the case was dismissed without prejudice due to failure to comply with the Court's prior order (D.I. 6) concerning payment of the initial partial filing fee (D.I. 8);

WHEREAS, on June 9, 2026, Plaintiff subsequently complied with the Court's order regarding payment and moved to reopen his case (D.I. 9);

WHEREAS, on June 12, 2026, the case was reopened (D.I. 10);

WHEREAS, on June 12, 2026, the case was referred to Magistrate Judge Sherry R. Fallon pursuant to 28 U.S.C. § 636 (D.I. 11);

WHEREAS, on June 15, 2026, Plaintiff moved again to reopen his case (D.I. 12);

WHEREAS, on June 16, 2026, Judge Fallon issued a Report and Recommendation ("R&R") recommending the Court dismiss Plaintiff's Amended Complaint (D.I. 7) without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim and denying Plaintiff's

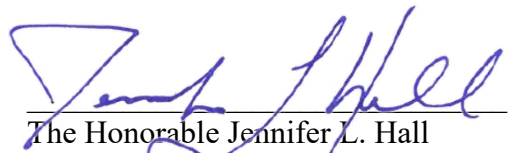
motion to reopen his case as moot under 28 U.S.C. § 636(b)(1)(A) because the case was already reopened by a prior order (namely, D.I. 10) (D.I. 13);

WHEREAS, on June 23, 2026, Plaintiff filed a Second Amended Complaint (D.I. 14);

WHEREAS, further, no party has filed objections pursuant to Federal Rule of Civil Procedure 72(b)(2) in the prescribed period, and the Court finds no clear error on the face of the record;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The R&R (D.I. 13) is ADOPTED.
2. Plaintiff's Amended Complaint (D.I. 7) is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. This Order is not a determination of the sufficiency of Plaintiff's Second Amended Complaint (D.I. 14).


The Honorable Jennifer L. Hall
UNITED STATES DISTRICT JUDGE