

**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 & RECOMMENDATION

At Wilmington, this 27th day of August 2026;

WHEREAS, on April 29, 2026, *pro se* Plaintiff Howard Walsh filed an Amended Complaint (D.I. 7) alleging a claim of copyright infringement;

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

WHEREAS, on July 17, 2026, the Court adopted Judge Fallon's Report & Recommendation (D.I. 15);

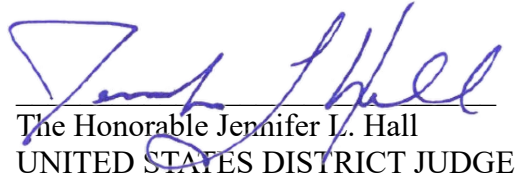
WHEREAS, on June 23, 2026, Plaintiff filed a Second Amended Complaint (D.I. 14);

WHEREAS, on August 4, 2026, Judge Fallon issued a second Report & Recommendation ("R&R") recommending the Court dismiss Plaintiff's Second Amended Complaint (D.I. 14) *with prejudice* under 28 U.S.C. § 1915(e)(2)(B) because "Plaintiff has failed to remedy the deficiencies identified in his prior pleading" and "further amendment would be futile" (D.I. 16 at 5);

WHEREAS, no party has filed objections pursuant to Fed. R. Civ. P. 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. 16) is ADOPTED.
2. Plaintiff's Second Amended Complaint (D.I. 14) is DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B).
3. The Clerk of Court is directed to CLOSE the case.



The Honorable Jennifer L. Hall
UNITED STATES DISTRICT JUDGE