

## Baggiolini v. Altisource Holding LLC

Decided Jul 6, 2022

4:21-cv-1293-P

07-06-2022

Primo Baggiolini, Plaintiff. v. Altisource Holdings LLC, et al., Defendants.

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MARK T. PITTMAN UNITED STATES DISTRICT JUDGE

### ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

MARK T. PITTMAN UNITED STATES DISTRICT JUDGE

United States Magistrate Judge Jeffrey L. Cureton made Findings, Conclusions, and a Recommendation (“FCR”) regarding Defendants' Motion to Dismiss (ECF No. 16). ECF No. 32. Plaintiff Primo Baggiolini failed to timely file an Objection to the FCR, however three days after the deadline, Plaintiff requested an extension to object. ECF No. 33. Because the Magistrate Judge recommended the dismissal of this action, the Court granted Plaintiff the extension and he filed two Objections. ECF Nos. 35, 36.

The FCR recommends the dismissal of this action because Plaintiff's claims are barred by the doctrine of *res judicata*. Plaintiff's first Objection argues that *res judicata* applies because the parties are not “identical or related” and the claims are not the same. ECF No. 35. Rather than present contain specific objections; this Objection simply reiterates same arguments presented in Plaintiff's Response to Motion to Dismiss. *Compare* ECF No. 26 *with* ECF No. 35. Because Judge Cureton has already considered these arguments in determining his FCR, the Court is “not obligated to address objections [which are merely recitations of the identical arguments made before the magistrate judge] because . . . such objections undermine the purpose of the Federal Magistrate's Act, [28 U.S.C. § 636](#), which serves to reduce duplicative \*2 work and conserve judicial resources[.]” *Owens v. Comm'r of Soc. Sec.*, 1:13-47, [2013 WL 1304470](#), at \*3 (W.D. Mich. Mar. 28, 2013) (emphasis in original); *see also Camardo v. Gen. Motors Hourly-Rate Emps. Pension Plan*, [806 F.Supp. 380, 382](#) (W.D. N.Y. 1992) (holding recitations of nearly identical arguments are insufficient as objections and constitute an improper “second bite at the apple”). Plaintiff's second Objection argues that he has standing to bring this action. ECF No. 36. However, this argument is not one on which the Magistrate Judge's recommendation of dismissal turns. *See* ECF No. 32. Therefore, the Court concludes this Objection is meritless.

Nevertheless, the District Judge conducted a review of the purported objections in accordance with [28 U.S.C. § 636\(b\)\(1\)](#). And having conducted a *de novo* review of the FCR, record, and objections, the undersigned District Judge believes that the Findings and Conclusions of the Magistrate Judge are correct. Accordingly, Baggiolini's

Objections are hereby **OVERRULED**. Judge Cureton's recommendation is hereby ADOPTED, and Baggiolini's claims against the Defendants are DISMISSED with prejudice. All costs of Court under [28 U.S.C. § 1920](#) shall be borne by the party incurring same.

SO ORDERED.

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