

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

LARRY G. PHILPOT, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 1:14-cv-01790-RLY-MJD  
 )  
 420 MAGAZINE, INC., )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND  
RECOMMENDATION and DENYING PLAINTIFF’S MOTION TO TRANSFER**

The pro se plaintiff, Larry G. Philpot, filed a Complaint for copyright infringement against the defendant, 420 Magazine, Inc. Plaintiff filed a Motion for Clerk’s Entry of Default, Defendant filed a Motion to Dismiss for Lack of Jurisdiction and, after the Motion to Dismiss was fully briefed, Plaintiff filed a Motion for Rule 11 Sanctions against Defendant and its counsel. These motions were referred to the Magistrate Judge who recommended that the court grant Defendant’s Motion to Dismiss; deny Plaintiff’s Motion for Entry of Default; and deny Plaintiff’s First Motion for Rule 11 Sanctions. The court, having read and reviewed the same, hereby **ADOPTS** the Magistrate Judge’s report and recommendation (Filing No. 22). Accordingly, Defendant’s Motion to Dismiss is **GRANTED** without prejudice (Filing No. 9); Plaintiff’s Motion for Entry of Default is **DENIED** (Filing No. 8); and Plaintiff’s First Motion for Rule 11 Sanctions is **DENIED** (Filing No. 16).

Following the Magistrate Judge's Report and Recommendation, the Plaintiff filed a Motion to Transfer Venue to the Central District of California. Given the court's ruling on Defendant's Motion to Dismiss, Plaintiff's Motion to Transfer (Filing No. 24) is **DENIED as MOOT**. Plaintiff may refile his action against the Defendant in the Central District of California.

**SO ORDERED** this 6th day of May 2015.

  
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RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.

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