

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MEE H. JUNG,

Plaintiff

v.

C.A. No. 17-295 WES

DEUTSCHE BANK NATIONAL TRUST)
COMPANY as trustee for RESIDENTIAL)
ACCREDITLOANS, INC. MORTGAGE ASSET)
BACKED PASS-THROUGH CERTIFICATES)
SERIES 2007-QS8; PNC MORTGAGE; PNC)
BANK, N.A.; PNC FINANCIAL SERVICES)
GROUP, INC.; and DALIA GIEDRIMIENTE)

Defendants.

ORDER

WILLIAM E. SMITH, Chief Judge.

Magistrate Judge Lincoln D. Almond filed a Report and Recommendation ("R&R") on September 26, 2017, (ECF No. 9), recommending that the Court grant Defendants' Motion to Dismiss (ECF No. 5). Plaintiff timely filed his Objection to the R&R (ECF No. 10), and Defendants responded (ECF No. 11).

Plaintiff's Objection fails for at least two reasons. First, the claims in Plaintiff's Complaint are precluded. As Magistrate Judge Almond explained in his R&R, Plaintiff's voluntary dismissal of the 2016 Complaint operated as an adjudication on the merits and terminated the case with prejudice. See Fed. R. Civ. P. 41(a)(1)(B). And because the parties and claims in this suit are sufficiently identical to the one in 2016, Plaintiff's present claims are barred

by claim preclusion. See DiPinto v. Sperling, 9 F.3d 2, 4 (1st Cir. 1993) ("Under the Rhode Island doctrine of res judicata (claim preclusion), a final judgment on the merits precludes later litigation of the same claim by the same parties.").

The second reason Plaintiff's Objection fails is that it restates - almost word-for-word - the arguments filed in support of his Opposition (ECF No. 7) to Defendants' Motion. As discussed in the R&R, however, any objection to the R&R must be specific, see Fed. R. Civ. P. 72(b); DRI LR Cv 72(d), and Plaintiff's failure in this regard "constitute[s] waiver of the right to review by [this Court] and the right to appeal the Court's decision," DRI LR Cv 72(c).

Therefore, after careful consideration of the R&R, Plaintiff's Objection, and Defendants' Response, the Court ACCEPTS the R&R (ECF No. 9) for the reasons stated above. Defendants' Motion to Dismiss (ECF No. 5) is hereby GRANTED; the Complaint is dismissed with prejudice.

IT IS SO ORDERED.



William E. Smith
Chief Judge
Date: February 22, 2018