

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Christopher Anthony Roller,

Plaintiff,

v.

David Copperfield's Disappearing, Inc.,

Defendant.

Case No.: 07-1182 (JNE/JJG)

**DEFENDANT'S MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S
APPEAL OF MAGISTRATE
GRAHAM'S REPORT AND
RECOMMENDATION**

INTRODUCTION

David Copperfield's Disappearing, Inc. ("Copperfield") submits this memorandum in opposition to Christopher Roller's ("Roller") appeal of Magistrate Judge Graham's Report and Recommendation ("Report") dated November 20, 2007. In the Report, Magistrate Judge Graham recommended (1) granting Copperfield's Motion to Dismiss; (2) denying Copperfield's motion for sanctions but holding that Judge Tunheim's Order dated September 28, 2007 which bars Roller from filing any further complaints regarding similar claims or allegations *against any defendant* without leave of Court or signature of an attorney admitted to practice in Minnesota federal court protects Copperfield from further suits by Roller; (3) dismissing all claims in this litigation with prejudice; and (4) denying as moot all of Roller's other nondispositive motions.

ARGUMENT

The standard of review of a Magistrate Judge's dispositive order is *de novo*. 28 U.S.C. § 636(b)(1)(C); L.R. 72.1(c)(2). Even with another in-depth review of Roller's

Complaint, it is clear that Roller has failed to produce or identify one scintilla of evidence supporting any of his claims in this lawsuit. “[H]is amended complaint lacks any factual basis for these accusations.” Report and Recommendation, p. 2.

Roller does not offer any legal basis to disturb the Report and Recommendation. Instead, he implies the Magistrate Judge has a conflict of interest because she does not like the fact that Roller is God. First, there is no evidence whatsoever that Roller is God. Second, if Roller is God and if the Court does not like that fact, Roller cites no legal authority to entitlement to a hearing before a Judge that “likes that fact that [he is] God.”

As Magistrate Graham reported, “The record shows that Roller has a lengthy history of frivolous litigation.” Report and Recommendation, p. 3. This new request is, like all of Roller’s previous filings, nothing more than frivolous harassment.

CONCLUSION

Under no set of facts does Roller’s Complaint state a cause of action. Accordingly, Magistrate Judge Graham’s Report and Recommendation should be affirmed.

Dated: December 7, 2007

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