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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHARON JETER aka King Lionheart,

Plaintiff,

-against-

BEYONCE; JAY Z; JENNIFER HUDSON; KATY PERRY; JUSTIN TIMBERLAKE; PHARRELL WILLIAMS; FEMALES REFERRING TO THEMSELVES AS KING; DENZEL WASHINGTON; MARK WAHLBERG; 2 GUNS CAST AND CREW; JENNIFER LOPEZ; 1 OAK CLUB; TECHNOLOGY COMPANIES; APPLE; SAMSUNG; APPLE/SAMSUNG; PENTAGON; DEP'T OF DEFENSE; OBAMA,

Defendants.

14-CV-3976 (LAP)

ORDER OF DISMISSAL

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff, currently incarcerated in the Rose M. Singer Center, brings this *pro se* action, alleging that Defendants – most of whom are prominent recording artists and actors – are using her ideas without her permission and infringing her intellectual property rights.[1] By order dated June 20, 2014, the Court granted Plaintiff's request to proceed *in forma pauperis*. The Court dismisses the complaint for the reasons set forth below.

[1] This is Plaintiff's third action in this Court in three months. *See Jeter v. Fed. Reserve et al.*, No. 14-CV-4006 (LAP) (S.D.N.Y. filed May 20, 2014) (complaint seeking the arrest and imprisonment of President Barack Obama); *Jeter v. Wiley, et al*, No. 14-CV-2724 (LAP) (S.D.N.Y. June 9, 2014) (complaint, which alleged irregularities in Plaintiff's criminal trial, dismissed for failure to complete IFP application and prisoner authorization). Plaintiff is cautioned that a prisoner who files three actions or appeals that are dismissed as frivolous, malicious, or for failure to state a claim is barred from proceeding IFP as a prisoner. 28 U.S.C. § 1915(g).

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STANDARD OF REVIEW

The Court must dismiss an *in forma pauperis* ("IFP") complaint, or portion thereof, that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *see Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998). While the law mandates dismissal on any of these grounds, the Court is obliged to construe *pro se* pleadings liberally," *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the "strongest [claims] that they suggest," *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474-75 (2d Cir. 2006) (internal quotation marks and citations omitted).

BACKGROUND

Plaintiff Sharon Jeter alleges that Defendants are using her ideas without her permission and infringing her intellectual property rights. (*See* Compl. at 3-5.) Some infringing acts allegedly occurred before September 16, 2012, and others occurred after that date. (*Id.* at 2.)

Specifically, Plaintiff alleges that Defendant Beyonce is infringing Plaintiff's rights to the nickname "Peaches" and the term "Female King," as well as her right to the concept of recording "a visual album." (*Id.* at 3.) Plaintiff allegedly had the idea for Defendants Justin Timberlake and Pharrell Williams to perform a duet before they did so. (*Id.*) Plaintiff alleges that Defendant Jay Z is infringing her rights to the phrase "as hard as," and that a movie by Defendants Denzel Washington and Mark Wahlberg bears the same title as the song, *2 Gun*, that she wrote. (*Id.*) Defendant J-Lo's song, *Get Right*, is allegedly based on Plaintiff's song, *Baseball Field*; moreover, Plaintiff had planned to incorporate a cane into her work, which J-Lo has now done. (*Id.*) Jennifer Hudson's song, *Where You At*, allegedly "cop[ied]" Plaintiff's song by the same name. (*Id.*) Plaintiff alleges that Defendant Katy Perry "stole 'roar' from [her]." (*Id.*) Plaintiff alleges that Defendant 1 Oak infringed her rights to the phrase "one of a kind." (*Id.* at 5.)

Finally, Plaintiff alleges that these infringing acts occurred "via cointelpro,"[2] Hollywood, "subvocal technology, satellite, in person via computer etc. Internet etc et al." (*Id.* at 2, 5.) She seeks damages and injunctive relief, including receiving credit for her ideas and work. (*Id.* at 5.)

DISCUSSION

To the extent Plaintiff's complaint can be construed as seeking to vindicate rights under federal copyright laws, it fails to plead a valid claim.[3] Where a plaintiff lacks a properly registered copyright, federal courts lack jurisdiction to hear any claims brought under the Copyright Act, and such claims must be dismissed. *See Goffe v. Winfrey*, No. 08-CV-653, 2008 WL 4787515, at *1 (S.D.N.Y. Oct. 31, 2008); *see* 17 U.S.C. § 411(a) ("[N]o civil action for infringement of the copyright in any United States work shall be instituted until preregistration or registration of the work has been made in accordance with this title.").

Moreover, "[i]t is a fundamental principle of copyright law that a copyright does not protect an idea, but only the expression of the idea." *Computer Assocs. Intern. v. Altai, Inc.*, 982 F.2d 693, 703 (2d Cir. 1992); *see* 17 U.S.C. § 102(b) ("In no case does copyright protection for an original work of authorship extend to any idea . . . ."). In addition, "words, short phrases, titles, and slogans are not subject to copyright . . . ." *Moody v. Morris*, 608 F. Supp. 2d 575, 579 (S.D.N.Y. 2009).

As an initial matter, Plaintiff does not allege that she registered a copyright for her songs *Baseball Field* or *Where You At*. She therefore fails to adequately plead a copyright claim based on allegations that J-Lo and Jennifer Hudson copied her songs.

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[2] Plaintiff appears to be using a contraction for "counterintelligence program."

[3] Federal trademark laws apply where consumers are likely to be misled or confused as to the source of the work. *See EMI Catalogue P'ship v. Hill, Holliday, Connors, Cosmopulos, Inc.*, 228 F.3d 56, 61 (2d Cir. 2000). Plaintiff seeks credit and compensation for "creative work[s] of artistic expression," and makes no suggestion that consumers are being misled. *See id.* at 63. Thus, any rights she might have would arise under copyright law – not trademark law.

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Moreover, federal copyright laws do not apply to many of the allegedly infringing acts of which Plaintiff complains. Plaintiff's ideas – such as the idea of a duet between Justin Timberlake and Pharrell Williams or the idea of using a cane – are not entitled to copyright protection because only the *expression* of an idea, rather than the idea itself, is protected. *See Computer Assocs. Intern*, 982 F.2d at 703.

Plaintiff asserts that Defendants infringed her rights by using the words "Roar" and "Peaches" and the phrases "Female King," "as hard as," and "one of a kind." Such "words, short phrases, titles, [or] slogans" are not entitled to copyright protection. *See Moody*, 608 F. Supp. 2d at 579. Accordingly, for all of these reasons, Plaintiff fails to state any claim under the Copyright Act.

District courts generally grant a *pro se* plaintiff an opportunity to amend a complaint to cure its defects but are not required to grant leave to amend where it would be futile. *See Hill v. Curcione*, 657 F.3d 116, 123-24 (2d Cir. 2011). The Court therefore considers whether granting leave to amend is warranted. Plaintiff's allegation that nine of the most famous actors and musicians in America all separately infringed her intellectual property rights is implausible. Her allegations that they allegedly accomplished their infringing acts via "cointelpro," "satellite," "subvocal technology," etc., turns an implausible claim into one that is "the product of delusion or fantasy." *See Livingston*, 141 F.3d at 437. Plaintiff's inclusion of the Pentagon, the Department of Defense, and President Obama as Defendants in this action appears similarly frivolous. The Court therefore concludes that granting leave to amend would be futile. *See Hill*, 657 F.3d at 123-24; *see also McCracken v. Brookhaven Science Assocs. LLC*, 376 Fed. App'x 138, 140 (2d Cir. 2010) (affirming *sua sponte* dismissal of IFP complaint, without leave to amend).

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CONCLUSION

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket. Plaintiff's complaint, filed *in forma pauperis* under 28 U.S.C. § 1915(a)(1), is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 22, 2014
New York, New York

Loretta A. Preska

LORETTA A. PRESKA
Chief United States District Judge

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