

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3:99-cr-86
		(Civil Case No. 3:10-cv-406)
Plaintiff,		
vs.	:	District Judge Walter H. Rice
		Magistrate Judge Michael J. Newman
JACK CLARK,		
Defendant.	:	

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATION (DOC. #1274) IN ITS ENTIRETY; OVERRULING DEFENDANT’S OBJECTIONS (DOC. #1277) TO THE MAGISTRATE JUDGE’S MAY 21, 2013 REPORT AND RECOMMENDATION (DOC. #1274); DENYING AS MOOT DEFENDANT’S *PRO SE* POST-JUDGMENT MOTION “TO CORRECT A CLEAR ERROR” IN HIS RULE 59(e) MOTION (DOC. #1272); DENYING DEFENDANT’S MOTION “TO REOPEN TIME TO FILE ATTACHED NOTICE OF APPEAL PURSUANT TO FED. R. APP. P. 4(b)(6); ORDERING CLERK TO DOCKET DOC. #1273-3 AS DEFENDANT JACK CLARK’S NOTICE OF APPEAL FILED ON APRIL 8, 2013; TERMINATION ENTRY

Based upon the reasoning and citations of authority set forth by United States Magistrate Judge Michael J. Newman, in his Report and Recommendation, filed May 21, 2013 (Doc. #1274), as well as upon a thorough *de novo* review of this Court’s file and the applicable law, this Court adopts the aforesaid Report and Recommendation in its entirety, and overrules Plaintiff’s Objections (Doc. #1277) thereto.

Defendant’s *pro se* post-judgment motion “to correct a clear error” in his Rule 59(e) motion (Doc. #1272) is denied as moot.

Defendant’s *pro se* motion “to reopen time to file attached notice of appeal pursuant to Fed. R. App. P. 4(b)(6)” (Doc. #1273) is denied. The Clerk shall Document # 1273-3 as “Defendant Jack Clark’s Notice of Appeal.” This Notice of Appeal is deemed timely filed on April 8, 2013.

The Court reiterates that Defendant is denied certificates to appeal the denial of his § 2255 motion to vacate sentence and also the denial of his Rule 59(e) motion. Docs. #1259, #1269.

As no further matters remain pending for review, and the merits of Defendant's claims (and all related Certificates of Appealability) having been decided adverse to Defendant, this case remains closed.

June 11, 2013



WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT