

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
AT COVINGTON

CIVIL ACTION NO. 16-37-DLB-EBA

AMAR GUEYE

PLAINTIFF

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

DIANA STRAUSS, et al.

DEFENDANTS

*** **

This matter is before the Court on Magistrate Judge Edward B. Atkins's Report and Recommendation (R&R) (Doc. # 47), wherein he recommends that the Court grant Defendants' motion for summary judgment (Doc. # 23), deny Plaintiff's motion for injunctive relief (Doc. # 15), grant Defendants' motion to declare Plaintiff a vexatious litigator (Doc. # 24), and deny Plaintiff's motion for consideration and motion for a stay pending appeal (Doc. # 46). (Doc. # 47). Plaintiff filed no objections to the R&R and the time for filing objections has expired¹, so the R&R is ripe for review. The Court having reviewed the R&R and finding it sound in all respects, the Court will **adopt** the R&R as the findings of fact and conclusions of law of the Court.

¹ Based on the Plaintiff's *pro se* status, the Court allowed him a few extra days in which to file objections to the R&R. The deadline would have been July 24, 2017. Despite giving him additional time, no objections have been filed.

Accordingly, for the reasons set forth in the Magistrate Judge's R&R,

IT IS ORDERED AND ADJUDGED as follows:

(1) Magistrate Judge Atkins's R&R (Doc. # 47) is hereby **ADOPTED** as the findings of facts and conclusions of law of the Court;

(2) Defendants' Motion for Summary Judgment (Doc. # 23) is **GRANTED**;

(3) Plaintiff's Motion for Injunctive Relief (Doc. # 15) is **DENIED**;

(4) Defendants' Motion to Declare Plaintiff a Vexatious Litigator (Doc. # 24) is **GRANTED**. Plaintiff is **ENJOINED** from filing any future *pro se* civil actions in this Court without the prior written authorization of the Court. The Clerk of the Court **SHALL REFUSE** to file or docket any civil complaint—regardless of how styled or the basis for the relief sought—unless the Court authorizes the filing of such action. To obtain such authorization, Gueye must:

Send a one-page letter to the Court requesting permission to file suit;

(b) Include a typewritten complaint, or a form Civil Rights Complaint [EDKY Form 520], which must describe the facts of his case and his claims with reasonable particularity; and

(c) Pay the required fees, or file a form Application to Proceed Without Prepayment of Fees and Affidavit [AO Form 249];

(5) Plaintiff's Motion for Consideration and Motion for Stay Pending Appeal (Doc. # 46) is **DENIED**;

(6) For the reasons set forth in the R&R, the Court determines there would be no arguable merit for an appeal in this matter and, therefore, no certificate of appealability

shall issue; and

(7) This action is **DISMISSED with prejudice** and **STRICKEN** from the docket.

This 2nd day of August, 2017.



Signed By:

David L. Bunning *DB*

United States District Judge

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