

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                          |   |                         |
|--------------------------|---|-------------------------|
| ELLORD WELLS,            | ) | Case No. 1:15 CV 951    |
|                          | ) |                         |
| Petitioner,              | ) |                         |
|                          | ) |                         |
| v.                       | ) | JUDGE DAN AARON POLSTER |
|                          | ) |                         |
| MICHELLE MILLER, WARDEN, | ) |                         |
|                          | ) | <b><u>ORDER</u></b>     |
| Respondent.              | ) |                         |
|                          | ) |                         |

Petitioner Ellord Wells filed a habeas petition in May of 2015. [ECF Doc. 1](#). Wells appealed to the Sixth Circuit Court of Appeals and attempted to appeal to the U.S. Supreme Court, but the dismissal of his petition was affirmed. [ECF Doc. 48](#). On February 17, 2021, Wells filed a motion for relief from judgment pursuant to Fed. R. Civ. P. 60. [ECF Doc. 54](#). Magistrate Judge Baughman has recommended that Wells's motion be denied. [ECF Doc. 61](#). Objections to the magistrate's report and recommendation were due on or before August 13, 2021.<sup>1</sup>

On August 4, 2021, Wells filed a motion for summary judgment asserting arguments in favor of his motion for relief. [ECF Doc. 62](#). These are the same arguments that Wells will likely assert in an objection to the magistrate's report and recommendation. On August 9, 2021, Wells filed a motion for extension to September 12, 2021 to respond (or file objections) to Magistrate Baughman's report and recommendation. [ECF Doc. 63](#). The Court has granted Wells's motion

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<sup>1</sup> The deadline has now been extended to September 12, 2021.

for an extension. [ECF Doc. 63](#). However, the Court hereby DENIES Wells's motion for summary judgment ([ECF Doc. 62](#)) as duplicative and misplaced. Wells must assert any and all arguments supporting his motion for relief from judgment in his objection to the magistrate's report and recommendation.

**IT IS SO ORDERED.**

Dated: August 10, 2021

*s/Dan Aaron Polster*  
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United States District Judge