

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ENOCH JAEGER,)	CASE NO. 1:19-cv-2853
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OPINION AND
)	ORDER
WARDEN LYNEAL WAINWRIGHT,)	
et al.)	
)	
RESPONDENTS.)	

On November 25, 2019¹, pro se petitioner, Enoch Jaeger (“Jaeger”), filed a petition for writ of habeas corpus challenging his state conviction and sentence. (Doc. No. 1.) In May 2020, Jaeger filed several documents—including a motion to file an amended petition (Doc. No. 32) and an amended emergency petition for writ of habeas corpus (Doc. No. 31), outlining additional claims for relief he sought to bring related to the COVID-19 pandemic.

On May 28, 2020, purported intervenor, Charles VonSchriltz (“VonSchriltz”), filed a motion to intervene claiming—like Jaeger—that due to COVID-19, the conditions of his confinement “are such that there are no conditions appropriate to protect his [c]onstitutional [r]ights.” (Doc. No. 36.) On June 22, 2020, Magistrate Judge Jonathan D. Greenberg filed a report and recommendation (“R&R”) recommending that this Court deny VonSchriltz’s motion to intervene. (Doc. No. 53.) Pursuant to 28 U.S.C. §

¹ Under the mailbox rule, the filing date for a pro se petition is the date that a petitioner delivers it to prison authorities. See *Houston v. Lack*, 487 U.S. 266, 275, 108 S. Ct. 2379, 101 L. Ed. 2d 245 (1988). While Jaeger’s petition did not arrive at the Court for filing until December 6, 2019, Jaeger states that he placed it in the prison mailing system on November 25, 2019. (Doc. No. 1 at 39.) The Court will, therefore, consider the petition as filed on November 25, 2019.

636(b)(1), VonSchriltz was required to file written objections to the R&R within fourteen (14) days after being served with a copy. The docket indicates that a copy of the R&R was mailed to VonSchriltz on June 22, 2020. (See docket entry dated June 22, 2020.)

On July 14, 2020²—twenty-two days after the R&R was mailed—VonSchriltz filed a “motion for default judgment and motion for summary judgment” claiming that he never “received any [r]eport or [r]ecommendation [sic] ... [from] this Court.” (Doc. No. 65 at 2613.) Notwithstanding that the R&R was mailed to VonSchriltz, and the fact that another purported intervenor housed at the same prison received a copy of the R&R (see Doc. No. 64), the Court will, out of an abundance of caution, allow VonSchriltz an opportunity to file written objections to the R&R. Such written objections must be filed on or before August 4, 2020. No extensions will be granted.

IT IS SO ORDERED.

Dated: July 15, 2020



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

² The envelope in which VonSchriltz mailed his motion indicates a postmark date of July 9, 2020. (See Doc. No. 65-1.)