

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RONALD CHAPPELL,)	CASE NO. 4:15CV882
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
DONALD MORGAN, Warden,)	MEMORANDUM OF OPINION
)	
Respondent.)	

CHRISTOPHER A. BOYKO, J:

This matter comes before the Court on the Report and Recommendation of Magistrate Judge James R. Knepp, II, to deny Petitioner Ronald Chappell’s Motion for a Preliminary Injunction and Temporary Restraining Order (ECF#32). On May 4, 2015, Petitioner filed a Petition for Habeas Corpus under 28 U.S.C. § 2254. (ECF #1). On July 9, 2015, this case was referred to Magistrate Judge Knepp for a Report and Recommendation. Petitioner has filed on Objection to the Magistrate’s Report and Recommendation. (ECF#41). For the following reasons, the Court accepts and adopts the Magistrate Judge’s Report and Recommendation and denies Petitioner’s Motion.

In the instant Motion, Petitioner challenges the fact and duration of his

confinement by requesting a preliminary injunction. The Court agrees with the Magistrate Judge that this is not an appropriate remedy to gain release. *Preiser v. Rodriguez*, 411 U.S. 475, 487-89 (1973). “[T]he sole federal remedy [to obtain release from custody is] by writ of habeas corpus” and a petitioner cannot seek speedier release through a preliminary injunction. *Id.* at 500.

Petitioner also requests an injunction regarding the conditions of his confinement. The Court agrees with the Magistrate Judge that it does not have jurisdiction to address those claims under 28 U.S.C. § 2254. Therefore, Petitioner’s Motion is denied.

Furthermore, the Magistrate Judge points out that Petitioner has filed numerous motions raising the same issues attempting to circumvent the habeas process. Therefore, the Court orders Petitioner to obtain leave of Court before filing any motions for the remainder of the pending proceedings.

IT IS SO ORDERED.

Date:10/23/2015

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge