

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

ROBERT J. BERRYHILL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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CASE NO. 5: 18 MC 18

JUDGE CHRISTOPHER A. BOYKO

OPINION AND ORDER

CHRISTOPHER A. BOYKO, J.:

Pro se Plaintiff Robert J. Berryhill, a federal prisoner incarcerated in Lewisburg, Pennsylvania, filed this miscellaneous action captioned as a “Motion to Stay Responsive Deadline to File Complaint” on February 23, 2018. (Doc. No. 1.)

The Plaintiff asserts he wishes to file a lawsuit against the United States of America under the Federal Tort Claims Act and must do so no later than March 1, 2018. He asserts he will not be able to obtain a Certificate of Merit as is necessary to assert medical malpractice

claims in such a lawsuit until his is released from federal custody in 2019. In his Motion, he requests that this Court “stay” the deadlines for him to file such a lawsuit.

This Court has no authority to stay any deadlines, or any statute of limitations, that may apply in a future case the Plaintiff wishes to file. Accordingly, the Plaintiff’s Motion is denied and this action is summarily dismissed pursuant to 28 U.S.C. § 1915A, which requires a District Court to dismiss *sua sponte* any prisoner action seeking redress from a governmental entity that the Court finds fails to state a claim on which relief may be granted. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

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

Dated: April 13, 2018