

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Daniel L. Haller,	)	
	)	
Plaintiff,	)	Case No. 1:11-CV-881
	)	
vs.	)	
	)	
United States Department of Housing	)	
and Urban Development, <u>et al.</u> ,	)	
	)	
Defendants.	)	

ORDER

This matter is before the Court on Plaintiff Daniel R. Haller’s motion for a restraining order (Doc. No. 84), Magistrate Judge Litkovitz’s Report and Recommendation (Doc. No. 85) recommending that Plaintiff’s motion be denied, and Plaintiff’s motion to act as filed (Doc. No. 89), which the Court construes as objections to the Report and Recommendation. For the reasons that follow, Plaintiff’s objections to the Report and Recommendation are not well-taken and are **OVERRULED**; the Court **ADOPTS** the Report and Recommendation; Plaintiff’s motion for a restraining order is not well-taken and is **DENIED**.

As summarized by Magistrate Judge Litkovitz, Plaintiff Daniel Haller, proceeding pro se, filed this lawsuit in December 2011 against a number of governmental, regulatory and private entities under various federal, constitutional and state common law provisions. Plaintiff’s claims arose from his unsuccessful efforts to obtain a mortgage loan modification from mortgage providers and funds from certain mortgage relief programs, and his challenge to a successful foreclosure action brought against

him in state court. Defendants filed motions to dismiss the complaint, only a few of which Plaintiff responded to. In August 2012 and February 2013, Magistrate Judge Litkovitz entered Reports and Recommendations (Doc. Nos. 74 & 80) recommending that the Court grant the motions to dismiss. Plaintiff apparently refused service of the Reports and Recommendations, see Doc. Nos. 76 & 81, and failed to file objections to either of Judge Litkovitz's reports. The Court adopted both of the reports (Doc. No. 75 & 82) and closed this case in March 2013. Doc. No. 83.

On November 12, 2013, Plaintiff filed a motion for the Court to restrain any state action to foreclose on and sell his property. Judge Litkovitz's Report and Recommendation concluded that the Court is without jurisdiction to grant Plaintiff relief because Plaintiff did not appeal from the judgment dismissing his complaint and that Plaintiff's motion is otherwise precluded by the Anti-Injunction Act, which generally prohibits federal courts from enjoining state court proceedings. Plaintiff's objections do not address the grounds cited by Judge Litkovitz for denying his motion.

The Court agrees with Judge Litkovitz's analysis of Plaintiff's motion. First, as Judge Litkovitz found, the Anti-Injunction Act prohibits the Court from enjoining state court proceedings except in circumstances not applicable here. Martingale LLC v. City of Louisville, 361 F.3d 297, 302 (6th Cir. 2004). Second, Plaintiff in any event is not entitled to relief in this case for failure to prosecute. As the Court's summary of the case demonstrates, Plaintiff generally did not respond to Defendants' motions to dismiss, apparently refused service of the Reports and Recommendations and otherwise failed to object to the Reports and Recommendations, and failed to take any action on his case for over eight months after it was dismissed by the Court.

Accordingly, for the reasons stated, Plaintiff's objections to the Report and Recommendation are not well-taken and are **OVERRULED**; the Court **ADOPTS** the Report and Recommendation; Plaintiff's motion for a restraining order is not well-taken and is **DENIED**.

**IT IS SO ORDERED**

Date November 25, 2013

s/Sandra S. Beckwith  
Sandra S. Beckwith  
Senior United States District Judge