

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

ROY A. DURHAM, JR.,  
Plaintiff,

vs.

ROB JEFFREYS, et al.,  
Defendants.

Case No. 1:13-cv-226  
Black, J.  
Litkovitz, M.J.

**ORDER**

This matter is before the Court on plaintiff's motion to compel discovery (Doc. 142) in light of defendants' notice of completion of discovery. (Doc. 159).

As background, in September 2016, the Sixth Circuit vacated this Court's grant of summary judgment to defendants in this case and remanded for further proceedings. (Doc. 108). On March 14, 2017, the undersigned issued a Report and Recommendation that plaintiff's second motion to file a third amended complaint be denied. (Doc. 137). On May 31, 2017, the District Court adopted the Report and Recommendation, but inadvertently ordered the case be terminated from the docket of this Court. (Doc. 140). On June 8, 2017, plaintiff filed a motion to compel discovery. (Doc. 142). On June 12, 2017, plaintiff filed a notice of appeal of the District Court's Order terminating his case. (Doc. 143).

On June 29, 2017, the District Court filed a notice of intent to enter an amended order pursuant to Fed. R. Civ. P. 60(a) and reopen plaintiff's case, vacate its May 31, 2017 Order, and replace it with an amended order adopting the March 14, 2017 Report and Recommendation without terminating the case in order to allow plaintiff's remaining claims to proceed. (Doc. 145). On September 13, 2017, the Sixth Circuit dismissed plaintiff's appeal and granted the District Court leave to issue an amended order. (Doc. 149).

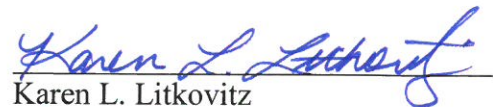
On November 6, 2017, plaintiff filed a motion requesting a ruling on his June 8, 2017 motion to compel discovery. (Doc. 150). On January 2, 2018, the District Court issued an Amended Decision and Entry adopting the undersigned's March 14, 2017 Report and Recommendation, overruling plaintiff's objections to the Report and Recommendation, and denying plaintiff's second motion to file a third amended complaint. (Doc. 154).

On January 5, 2018, the undersigned ordered defendants to respond to plaintiff's motion to compel within twenty-one days. (Doc. 155). On January 24, 2018, defendants filed a response in opposition to plaintiff's motion to compel, representing that they were still completing and responding to plaintiff's discovery requests and needed an additional thirty days to complete discovery. (Doc. 157 at 2). The undersigned then granted defendants' request to extend the discovery deadline to February 25, 2018. (Doc. 158). Most recently, defendants filed a notice of completion of discovery, indicating that they submitted their response to plaintiff's request for documents on February 26, 2018. (Doc. 159).

In light of the procedural history of this case and defendants' notice of completion of discovery, it is therefore **ORDERED** that **plaintiff** respond to defendants' notice within **thirty (30) days** of the date of this Order and address any remaining discovery deficiencies in this matter.

**IT IS SO ORDERED.**

Date: 3/1/18

  
Karen L. Litkovitz  
United States Magistrate Judge