

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

JEREMY P. GALLANT,
Plaintiff

Case No. 1:16-cv-00487

Barrett, J.
Litkovitz, M.J.

vs.

MR. CADOGAN, et al.,
Defendants.

**ORDER AND REPORT
AND RECOMMENDATION**

Plaintiff, an inmate at the Southern Ohio Correctional Facility (SOCF), brings this pro se action under 42 U.S.C. § 1983. The matter is before the Court on plaintiff's motion for judicial analysis and acknowledgment of the proposed amended complaint (Doc. 55), plaintiff's motion to extend the discovery deadline by 90 days under Fed. R. Civ. P. 6(b) (Doc. 58), and defendants' motion to extend the discovery and dispositive motion deadlines under Fed. R. Civ. P. 6(b)(1)(B) (Doc. 59).

In his motion for judicial analysis and acknowledgment, plaintiff appears to argue that the District Judge erred when he issued his Order on August 18, 2017 (Doc. 51), adopting the undersigned's Report and Recommendation dated May 3, 2016 (Doc. 5). Plaintiff argues this was procedurally improper because the Report and Recommendation, which screened the original complaint under 28 U.S.C. §§ 1915 and 1915A and recommended that portions of it be dismissed, was issued before he filed a proposed amended complaint on February 22, 2017. (*See* Doc. 39). Plaintiff alleges he was therefore denied the opportunity to cure deficiencies in his original complaint before portions of it were dismissed.

Plaintiff's motion for judicial analysis and acknowledgment of his proposed amended

pleading (Doc. 55) should be denied. The undersigned considered plaintiff's proposed amended complaint (Doc. 39) in a Report and Recommendation issued on August 29, 2017 (Doc. 52). The undersigned construed motions filed by plaintiff together as a request for leave to amend the complaint under Fed. R. Civ. P. 15(a) (Docs. 36, 37) and *sua sponte* reviewed the proposed amended complaint (Doc. 39) under 28 U.S.C. §§ 1915 and 1915A. The recommendation was that plaintiff's motions should be denied and he should not be granted leave to amend the complaint. Plaintiff filed objections to the Report and Recommendation (Doc. 57), which the District Judge has not ruled on to date. Plaintiff is not entitled to any relief based on the procedure which the Court has followed in addressing his proposed amended complaint.

For good cause shown, and because both parties request extensions of time (Docs. 58, 59), the discovery and dispositive motion deadlines will be extended.

IT IS THEREFORE RECOMMENDED THAT:

Plaintiff's motion for judicial analysis and acknowledgment of his proposed amended pleading (Doc. 55) be **DENIED**.

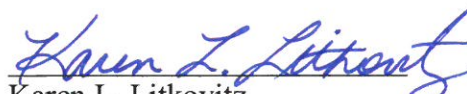
IT IS THEREFORE ORDERED THAT:

The parties' motions to extend the discovery and dispositive motion deadlines (Docs. 58, 59) are **GRANTED**. The case schedule is modified as follows:

Discovery deadline: **December 18, 2017**

Dispositive motion deadline: **January 16, 2018**

Date: 12/7/17


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).