

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHARLES HUDSON	:	Case No. 1:16-cv-834
HOLBROOK,	:	
	:	Judge Timothy S. Black
Plaintiff,	:	Magistrate Judge Stephanie K. Bowman
	:	
vs.	:	
	:	
TIMOTHY POLS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 26)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on December 13, 2017, submitted a Report and Recommendations. (Doc. 26). Plaintiff filed objections on February 13, 2018. (Docs. 27, 28, 29).

Plaintiff’s objections are not well taken. Plaintiff is currently incarcerated at the Baraca Correctional Facility in Baraca, Michigan. This case is a 42 U.S.C. § 1983 action filed by Plaintiff against the City of Wyoming, Michigan; the Wyoming, Michigan Police Department; and Officer Timothy Pols. (Doc. 1). In an Order dated September 19, 2016, the Magistrate Judge entered an Order transferring the case to the Western District of Michigan, citing 28 U.S.C. § 1391(b), which provides that civil suits may be brought

only in the judicial district where (1) any defendant resides, if all defendants reside in the same State; (2) a substantial part of the events or omissions giving rise to the claim occurred; or (3) any defendant may be found, if there is no district in which the claim may otherwise be brought.

Despite the transfer of this case, Plaintiff has continued to make frivolous filings upon the docket of this Court. Accordingly, on October 13, 2017 the Magistrate Judge entered an Order denying Plaintiff's filings as moot and advising him that any further filings would be summarily denied and stricken from the record. (Doc. 20). However, Plaintiff has continued to make filings despite the Magistrate Judge's repeated instructions that such filings are appropriately made only in the Western District of Michigan. Five such filings were made and summarily stricken from the record between October 13, 2017 and December 11, 2017.

Plaintiff's persistence in defiance of the Magistrate Judge's previous Orders has led to the filing of this Report and Recommendations, which recommends that the Clerk of Court be directed to refuse all further filings by Plaintiff in this matter. Plaintiff's objections to the Report and Recommendations cite no law that would override the venue statute requiring him to file his case elsewhere. Instead, Plaintiff asks the Court to ignore the rules of venue based upon unsupported allegations of corruption and incompetence in the Western District of Michigan. (Doc. 28; Doc. 29, at 4).

The Court cannot and will not ignore the law governing venue in this case. It has been made exceedingly clear that any claims Plaintiff has made against the City of Wyoming, Michigan and its police department must be made in the Western District of

Michigan. Plaintiff's case in this district is closed and has been closed since it was transferred on September 9, 2016. The Court will not continue to expend resources processing Plaintiff's frivolous filings in this matter. The Report and Recommendations is therefore adopted in its entirety.

Accordingly, the Clerk of Court is hereby **DIRECTED** to refuse and return without filing, all further filings received from Plaintiff in this matter.

IT IS SO ORDERED.

Date: 2/21/18

s/Timothy S. Black
Timothy S. Black
United States District Judge