

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

CHRISTOPHER FOSTER,

Plaintiff,

v.

STATE OF OHIO, et al.,

Defendants.

Case No. 1:16-cv-920

Black, J.  
Bowman, M.J.

**MEMORANDUM OPINION AND ORDER**

Plaintiff is a frequent filer in this Court, both of cases and of numerous (and lengthy) handwritten single-spaced motions within each of those cases, including this one.<sup>1</sup> The undersigned has filed a Report and Recommendation this same day that addresses pending dispositive motions. This additional Memorandum Opinion and Order addresses seven currently pending non-dispositive motions, all but one of which has been filed by Plaintiff.

**I. Pending Non-Dispositive Motions**

**Motion to Stay Discovery (Doc. 84) and Motion to Seek Denial of Stay of Discovery (Doc. 87)**

The only non-dispositive motion filed by Defendants is a motion seeking to stay all discovery until this Court's resolution of a pending motion for judgment on the pleadings. Discovery in this case was previously scheduled to conclude on March 15,

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<sup>1</sup>The undersigned's last R&R noted that Plaintiff had filed at least 29 motions in this case alone, (see Doc. 78, n.1). As of this writing, that number has risen to 38 motions in this record alone, not including multiple non-motion filings. (See additional motions filed at Docs. 76, 86, 87, 88, 92, 93, 94, 95, 97).

2018, but does not appear to have been completed. The undersigned will deny Defendants' motion as moot in light of the R&R filed this day, which also clarifies the limited claims on which discovery may proceed. In order to expedite the resolution of this case and provide both parties a full and fair opportunity to complete discovery on those claims, this Order extends the existing pretrial deadlines.

In lieu of filing any response in opposition to Defendants' motion to stay discovery, Plaintiff filed a counter-motion seeking an order denying the stay, as well as a "combined request to submit an advisory to the defendants to fully quash the apparent confusion of this matter's purpose." (Doc. 87). Plaintiff's motion seeks denial of the stay to avoid undue delay, and because he believes that Defendants' pending motion for judgment on the pleadings is without merit. Plaintiff's counter-motion also will be denied as moot.

**Motion to Supplement (Doc. 88) to Add To Respectfully Exhibited Advisory Requested to Be Presented to Defendants To Shed Light On Their Apparent Misinterpretation of this Good Faith Litigation – Brief Narrative/Addition Attached**

This motion will be denied as largely redundant of Plaintiff's motion to seek denial of the stay of discovery.

**Motion for Return of Documents (Doc. 92)**

Plaintiff seeks a free copy of "the original Exhibits attached to this prisoner affidavit herein, along with a copy of the action docket for this case." In the same motion, Plaintiff requests a copy of the docket sheet for another one of Plaintiff's cases. This motion will be denied because *in forma pauperis* status does not entitle a litigant to free copies.

**Motion for Entering New Evidence – Exhibits In Support of Relief of Order on Basis of Danger and of Necessary Injunction Proved. (Doc. 93)**

Plaintiff previously has been advised that this Court will not enter ad hoc “evidence” in the record. The motion to enter evidence is therefore denied. To the extent that Plaintiff seeks reconsideration of this Court’s prior denial of his motion for injunctive relief, the motion is redundant and addressed in the R&R filed this day.

**Motion for the US Marshal to Serve the Defendant on The Class Action Claims (Doc. 95)**

This motion is denied as moot on the basis of the R&R filed this same day, which recommends denial of Plaintiff’s motion to amend to add new claims and to convert this case to a class action.

**Motion to Stay All Proceedings (Doc. 97)**

Plaintiff’s motion seeks a stay of this case until this Court orders Plaintiff to be transferred to another institution based upon Plaintiff’s request of preliminary injunctive relief (which previously has been denied). The motion is denied except insofar as new pretrial deadlines are established in this order concerning the limited claims as to which the Defendants have not been granted judgment. To the extent that Plaintiff intended this motion to once again seek preliminary injunctive relief, the motion previously has been ruled upon by this Court and the previously stated reasons for recommending denial of that relief are incorporated into the R&R filed this same day.

**II. Conclusion and Order**

Accordingly, for the reasons stated above and in the accompanying Report and Recommendation, **IT IS ORDERED:**

1. Defendants' motion to stay and Plaintiff's counter-motion opposing a stay (Docs. 84, 87) are **DENIED AS MOOT**, but the period for pretrial discovery on the limited two remaining claims against Defendants Bear and Dyer, as to which the undersigned has not recommended that judgment be granted, is hereby EXTENDED until **May 15, 2018**, with any dispositive motions to be filed not later than **September 15, 2018**;

2. All other non-dispositive motions filed by Plaintiff (Docs. 88, 92, 93, 95, and 97) are **DENIED** for the reasons discussed.

/s/ Stephanie K. Bowman  
Stephanie K. Bowman  
United States Magistrate Judge