

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

RYAN D. HOBBS,

Plaintiff,

:

Case No. 1:17-cv-441

- vs -

District Judge Michael R. Barrett

Magistrate Judge Michael R. Merz

DEREK FAULKNER, et al.,

Defendants.

:

DECISION AND ORDER DENYING TO STRIKE

This case is before the Court on Plaintiff's Motion to Strike the order of Transfer (ECF No. 45).

Plaintiff first asserts that a transfer of the reference cannot take place without "the express written permission of M.J. Stephanie K. Bowman." *Id.* at PageID 1100. On the contrary, nothing in the General Orders of this Court requires that the consent of Magistrate Judges to reference transfers be in writing. However, in this case Magistrate Judge Bowman did consent by email.

The Motion questions whether

Judge Merz has the requisite expertise, experience, or adequate legal precepts [sic] to adjudicate a claim for which his knowledge and background is solely makes [sic] ruling on federal habeas proceedings, not § 1983 litigation, and I wish not to have this litigation as a learning instrument from a judge who is more acquainted with habeas cases.

Id. The undersigned has been a United States Magistrate Judge since 1984 and has handled hundreds of cases under § 1983. Presently he is the assigned Magistrate Judge in *In re Ohio Execution Protocol Litigation*, Case No. 2:11-cv-1016, and has handled six of the consolidated cases on unanimous consent of the parties. Of course, every case is a learning opportunity when correctly viewed, and the undersigned looks forward to continuing to learn from this case.

Finally, Mr. Hobbs says he “would like to know if there is [sic] any law clerks who are ghost writing the opinions of this Court for Judge Merz whose impartiality, bias, and possible plagiarism in adopting the legal writing of his clerks without due notification to me and to this Court.” *Id.* at PageID 1101. Every federal judge is responsible under the Constitution and his or her oath of office for every judicial filing that bears his or her signature, whether or not he or she has had assistance in drafting it. Assistance in drafting is one of the principal purposes of having law clerks and using them for that purpose is not “ghost writing” or “plagiarism.” Nevertheless, the undersigned assures Plaintiff that every word in every filing in this case that has been signed by the undersigned has been composed personally from scratch.

September 13, 2018.

s/ *Michael R. Merz*
United States Magistrate Judge