

**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.

:

REPORT AND RECOMMENDATIONS

This § 1983 case is before the Court on Plaintiff’s objections (ECF No. 35, labeled “Motion in Opposition” to Magistrate Judge Bowman’s conclusion that Plaintiff’s Motion for Relief from Judgment (ECF No. 6) is moot (Order, ECF No. 32). Judge Barrett has recommitted the matter to the undersigned, who is now the Magistrate Judge assigned to this case, for reconsideration in light of the objections.

As he has done in many others place in this and the parallel habeas corpus case pending before Judge Black, Plaintiff alleges this Court can be used as a forum in which “as many as 16 judgments in Ohio Court’s [sic] have been disturbed by fraud upon the Court . . .” (ECF No. 35, PageID 405). For the reasons fully set forth in the pending Report and Recommendations (ECF No. 44), this Court is not, in a § 1983 case, the proper place to make attacks on state court

judgments. For that reason, Magistrate Judge Bowman was correct in concluding the Motion for Relief from Judgment (ECF No. 6) is moot in this case and her ruling should not be disturbed.

September 17, 2018.

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

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. 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. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).