

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

JAMES DONALD MIMMS,
Plaintiff,

Case No. 1:18-cv-185
Black, J.
Litkovitz, M.J.

vs.

LINCOLN WARE, et al.,
Defendants.

**REPORT AND
RECOMMENDATION**

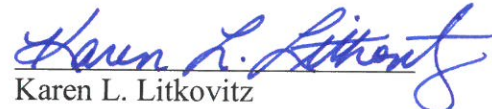
Plaintiff has filed two post-judgment motions in this closed case: a motion for reconsideration of the Order of dismissal filed by plaintiff on May 25, 2018 (Doc. 8), and a motion to voluntarily dismiss the complaint filed by plaintiff on June 25, 2018 (Doc. 10).

Plaintiff's motion to dismiss the complaint (Doc. 10) is moot. An Order dismissing the case with prejudice was issued on May 21, 2018, on the grounds the allegations of the complaint were insufficient to state a claim over which this federal Court has subject matter jurisdiction, and the allegations did not state a claim upon which relief could be granted. (Doc. 6). A judgment of dismissal was entered on that same date. (Doc. 7).

Plaintiff's motion for reconsideration (Doc. 8) appears to be moot in light of plaintiff's motion to voluntarily dismiss the complaint. To the extent the motion for reconsideration is not moot, it is without merit. Plaintiff has not presented any authority or factual allegations that support reconsideration of the Order dismissing his case. If plaintiff wishes to obtain review of the Order of dismissal, he must pursue an appeal to the United States Court of Appeals for the Sixth Circuit.

It is therefore **RECOMMENDED** that plaintiff's motion for reconsideration (Doc. 8) and motion to dismiss the complaint (Doc. 10) be **DENIED**.

Date: 10/4/18


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).