UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

William L. Lane,

Plaintiff,

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Case No. 2:10-cv-389

Wexford Health Sources,

Judge Michael H. Watson

(Contreator), et al.,

Defendants.

OPINION AND ORDER

Plaintiff filed this prisoner civil rights action under 42 U.S.C. § 1983 on April 29, 2010. The Court issued an opinion and order, as well as final judgment, dismissing this action on August 12, 2011. ECF Nos. 68 & 69. Plaintiff appealed. The Sixth Circuit Court of Appeals affirmed the judgment of this Court on January 8, 2013 and issued a mandate to that effect on January 31, 2013. ECF Nos. 72 & 73.

Since the Sixth Circuit issued its mandate, Plaintiff has filed three motions to dismiss this action. ECF Nos. 74, 76, and 83. He also filed a petition for a writ of mandamus to compel the Court to rule on his motions to dismiss. ECF No. 83. On March 27, 2014, the Magistrate Judge issued a report and recommendation ("R&R") recommending that the Court deny Plaintiff's motions to dismiss. ECF

No. 81. In his R&R, the Magistrate Judge identified the chief flaw in Plaintiff's motions: final judgment was already entered in this case so there is no legal basis to enter a second order or judgment dismissing Plaintiff's claims. R&R 2, ECF No. 81.

The Magistrate Judge warned the parties of the consequences of failing timely to file objections to the R&R. To date, Plaintiff has not filed any objections and the time to do so has passed. Accordingly, the Court **ADOPTS** the Magistrate Judge's March 27, 2014 R&R and **DENIES** Plaintiff's motions to dismiss. The Court also **DENIES** Plaintiff's petition for a writ of mandamus as moot.

The Clerk shall remove ECF Nos. 74, 76, 78, and 83 from the Civil Justice Reform Act motions report.

IT IS SO ORDERED.

MÍCHAEL H. WÁTSON, JUDGE United States District Court