

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

**James J. Prince,**

**Plaintiff**

**Civil Action 2:13-cv-35**

**v.**

**Judge Watson**

**Dr. Cha, et al.,**

**Magistrate Judge Abel**

**Defendants**

**ORDER**

This matter is before the Court on Plaintiff's August 19, 2013 objections to the Magistrate Judge's August 7, 2013 Report and Recommendation (ECF No. 24).

Plaintiff objects to the Magistrate Judge's ruling that Defendants are not in default despite their failure to serve their answer on him.<sup>1</sup> The Magistrate Judge also has refused to extend the deadline for completing discovery and denied Plaintiff his right to appeal to the Sixth Circuit. Plaintiff seeks to appeal the Court's July 19, 2013 Order denying his motion for default judgment and his motion to strike. He seeks sanctions and attorney fees against counsel for

---

<sup>1</sup>The Report and Recommendation did not address Plaintiff's motion for default judgment. Rather, the Court's July 19, 2013 Order denied Plaintiff's motion for default judgment. The Report and Recommendation recommended that Plaintiff's motion to proceed *in forma pauperis* be denied.

Defendants for his failure to properly serve Defendants' answer, which resulted in unnecessary litigation. Plaintiff also seeks an extension of the deadline for completing discovery.


Plaintiff's objections are overruled. An order denying a motion for default judgment is not an appealable order. *Buchanan v. Wilson*, No. 90-5427, 1990 WL 67890, at \*1 (6th Cir. 1990) (citing *Grandbouche v. Clancy*, 825 F.2d 1463, 1468 (10th Cir. 1987)).

Plaintiff's objection to the Magistrate Judge's recommendation that Plaintiff's motion to proceed *in forma pauperis* is **MOOT**.

Plaintiff contends that he has been denied an extension of the deadline for completing discovery; however, it does not appear that plaintiff has filed any motion seeking such extension. The deadline for completing discovery is extended to December 29, 2013, and dispositive motions must be filed no later than January 29, 2014. Plaintiff's objections to the August 7, 2013 Report and Recommendation are otherwise **OVERRULED**. The Sixth Circuit dismissed Plaintiff's appeal. See ECF No. 28.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**