

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

STEPHEN W. BYERLY,

Plaintiff,

vs.

Civil Action 2:13-cv-411
Judge Sargus
Magistrate Judge King

ROSS CORRECTIONAL INSTITUTION,
et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff, an inmate incarcerated at the Ross Correctional Institution, brought this civil action under 42 U.S.C. § 1983, alleging that certain prison officials denied him access to the courts. *Second Amended Complaint*, ECF 27. The Court granted *Defendants' Motion for Summary Judgment*, ECF 44, on March 10, 2015, *Opinion and Order*, ECF No. 65, *Judgment*, ECF No. 66, and denied plaintiff's *Motion for Reconsideration*, ECF No. 67, on May 28, 2015, *Opinion and Order*, ECF No. 68. The United States Court of Appeals for the Sixth Circuit affirmed this Court's judgment. *Byerly v. Bradley*, Case No. 15-3735 (6th Cir. Jan. 21, 2016). This matter is now before the Court on plaintiff's motion for permanent injunctive relief, filed on July 5, 2016. "*Permanent-InJunction*" "*Relief*" "*Good Cause*" *F.R.C.P. 65(b)(1)(d)*, ECF No. 81 [sic] ("*Plaintiff's Motion*").

Plaintiff's Motion appears to relate to the claims previously asserted and resolved in this action. As noted, final judgment has

been entered on those claims and this action is no longer pending.

Under these circumstances, it is **RECOMMENDED** that plaintiff's July 5, 2016 "*Permanent-InJunction*" "*Relief*" "*Good Cause*" *F.R.C.P. 65(b)(1)(d)*, ECF No. 81, be **DENIED**.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

July 8, 2016

s/Norah McCann King
Norah McCann King
United States Magistrate Judge