

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

Harry William Lott,	:	
	:	
Plaintiff	:	Civil Action 2:13-cv-00562
	:	
v.	:	Judge Marbley
	:	
The District Court for the Southern District of Ohio,	:	Magistrate Judge Abel
	:	
Defendant	:	

Report and Recommendation

This matter is before the Magistrate Judge on plaintiff Harry William Lott's October 15, 2013 motion pursuant to Rule 60 of the Federal Rules of Civil Procedure.

Plaintiff argues that an exception to the Eleventh Amendment permits citizens of any state to seek an injunction against state officials in federal court to end a continuing violation of federal law. Plaintiff maintains he is entitled to a hearing under procedural due process and that the Court is required to provide him a hearing pursuant to Rule 12(i) of the Federal Rules of Civil Procedure within ten days. If the Court fails to do so, plaintiff maintains that he will file an appeal and have this case moved to the United Kingdom.

Plaintiff was not denied procedural due process. Plaintiff was provided with an opportunity to object to the Report and Recommendation recommending dismissal of

his complaint. Plaintiff filed objections, which were considered by the Court and overruled. The Magistrate Judge RECOMMENDS that plaintiff Harry William Lott's October 15, 2013 motion pursuant to Rule 60 of the Federal Rules of Civil Procedure. be DENIED.

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties a motion for reconsideration by the Court, 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)(B); Rule 72(b), Fed. R. Civ. P.

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 waiver of the right to appeal the judgment of the District Court. *Thomas v. Arn*, 474 U.S. 140, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Willis v. Sullivan*, 931 F.2d 390, 401 (6th Cir. 1991).

s/Mark R. Abel
United States Magistrate Judge