

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

**ROBERT MARTIN,**

**Plaintiff,**

v.

**DOCTOR HARLAN, D.O. et al.,**

**Defendants.**

**Case No. 2:14-cv-1553**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Terence P. Kemp**

**ORDER**

This matter is before the Court for consideration of Plaintiff's "Objection Reconsideration" of the Court's December 18, 2014 Opinion and Order denying Plaintiff's motion for leave to proceed *in forma pauperis*. (ECF No. 12.) In that filing, the Court ordered that Plaintiff pay the \$400.00 filing fee within 30 days or this action will be dismissed. Plaintiff failed to pay the filing fee. The Court accordingly **DISMISSES** this case.

To the extent Plaintiff's "objection recommendation" can be construed as a motion for reconsideration of the Court's December 18, 2014 Opinion and Order, the Court denies the same. A court will consider a motion for reconsideration if there exists: (1) an intervening change of controlling law, (2) new evidence available, or (3) a need to correct a clear error or prevent manifest injustice. *Rodriguez v. Tenn. Laborers Health & Welfare Fund*, 89 F. App'x 949, 959 (6th Cir. 2004) (citing *Reich v. Hall Holding Co.*, 990 F. Supp. 955, 965 (N.D. Ohio 1998)). None are present in this case. The arguments Plaintiff raises could have been raised in his objections to the Magistrate Judge's Report and Recommendation, which Plaintiff filed on September 26, 2014 and which the Court has already rejected.

The Court accordingly **DIRECTS** the Clerk to enter judgment accordingly and terminate this case from the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
**GREGORY L. FROST**  
**UNITED STATES DISTRICT JUDGE**