

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL D. MCCAIN, SR.,

Plaintiff,

Case No. 2:15-cv-1262

vs.

CHAROLETTE JENKINS, *et al.*,

District Judge Michael H. Watson

Magistrate Judge Michael J. Newman

Defendants.

**ORDER AND ENTRY TERMINATING THE MOTION FOR JUDGMENT ON THE PLEADINGS
(DOC. 95) ON THE DOCKET**

On August 6, 2018, the undersigned ordered that Defendants could supplement their motion for judgment on the pleadings (doc. 95) with a motion for summary judgment. Doc. 104. Defendants did so by filing a motion for summary judgment on September 6, 2018. Doc. 110. The motion for summary judgment remains pending on the Court's docket.¹

In their motion for summary judgment, Defendants incorporated by reference all of the arguments made in the motion for judgment on the pleadings. *Id.* Because the undersigned will address the merits of the arguments asserted by Defendants in their motion for judgment on the pleadings in a Report and Recommendation on the motion for summary judgment, the undersigned **ORDERS** that the motion for judgment on the pleadings (doc. 95) be terminated on the Court's docket.

IT IS SO ORDERED.

Date: January 17, 2019

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge

¹ *Pro se* Plaintiff has not yet filed a memorandum in opposition to either the motion for judgment on the pleadings or the motion for summary judgment, and the undersigned, by separate entry, has issued an Order directing him to show cause for such failure on or before January 28, 2019.