

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

PERRIN BURSE, *et al.*,

Plaintiffs,

vs.

Civil Action 2:15-cv-2992
Judge Watson
Magistrate Judge King

CHARLOTTE JENKINS, *et al.*,

Defendants.

ORDER

Plaintiff, a state prisoner, brings this civil action under 42 U.S.C. § 1983 asserting claims arising out of alleged interference with legal proceedings pursued by him.¹ See *Order and Report and Recommendation*, ECF No. 14; *Order*, ECF No. 19. On January 16, 2016, plaintiff moved for interim injunctive relief, asking that "all Chillicothe Correctional Institutional staff members" be enjoined from "further retaliation, harassment, or interfering with" plaintiff's civil rights. *Motion for Preliminary Injunction*, ECF No. 15. On February 20, 2016, the undersigned recommended that the *Motion for Preliminary Injunction* be denied because the motion was not supported by affidavit, declaration or evidence, and because the *Complaint*, ECF No. 4, was not executed under penalty of perjury. *Report and Recommendation*, ECF No. 20. Plaintiff objected to that recommendation, insisting that the *Complaint* had in fact been verified and was supported by exhibits. *Objection*, ECF No. 22.

¹This case is related to a similar case pursued by plaintiff, now with the assistance of counsel, in this Court: *Burse v. Robinson*, 2:14-cv-403.

On further review of the docket in this action, the Court notes that plaintiff initiated this action by the filing of the *Motion for Leave to Proceed in Forma Pauperis*, ECF No. 1. The second page of that filing is entitled "Affidavit of Verity," in which plaintiff states, under penalty of perjury, that the "foregoing civil complaint, contains statements and facts, of recollection to the best of my knowledge." *Id.* at PAGEID# 2. Plaintiff also submitted exhibits in support of the tendered *Complaint*. When the *Complaint*, ECF No. 4, was thereafter filed, however, none of these documents were attached to or associated with the *Complaint*.

Because it appears that the basis for the recommendation was flawed, the *Report and Recommendation*, ECF No. 20, is hereby

WITHDRAWN.

Defendants may have until March 25, 2016 to respond to the *Motion for Preliminary Injunction*, ECF No. 15.

The Clerk is **DIRECTED** to attach to the *Complaint*, ECF No. 4, the "Affidavit of Verity," PAGEID# 2, and the exhibits that appear at ECF No. 1-2, PAGEID# 27-87.

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge

March 4, 2016
(Date)