

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

SAKHU MAA TEM HERU,

Plaintiff,

v.

Case No. 2:17-cv-658
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson

STATE OF OHIO INC., *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of Plaintiff's Objection to the Magistrate Judge's August 28, 2017 Order and Report and Recommendation. (ECF No. 13.) The Magistrate Judge recommended denial of Plaintiff's Motion for Preliminary Injunction (ECF No. 7), Motion for Bond (ECF No. 8), and Motion for Reconsideration. (ECF No. 9.) For the reasons below, the Court **OVERRULES** Plaintiff's Objection (ECF No. 15.) and **ADOPTS** the Order and Report and Recommendation. (ECF No. 13.)

Plaintiff, a prisoner at Belmont Correctional Institution, proceeding *pro se*, initiated this action in Tuscarawas County Court of Common Pleas and subsequently removed it to the United States District Court for the Northern District of Ohio, Eastern Division on February 6, 2017. (ECF No. 1.) Plaintiff states that he is an indigenous Native American with Olmec, Ute, Cherokee, Blackfoot, and free Moorish ancestry.

Acknowledging the difficulty in interpreting Plaintiff's claims, District Judge Lioi identified claims related to Plaintiff's 2008 criminal conviction in Tuscarawas County Court of Common Pleas, including claims for genocide, denationalization, unlawful arrest, arbitrary

detention, false imprisonment, kidnaping, torture, and cruel and unusual punishment, as well as claims under the Alien Torts Claims Act, and the First Amendment right to Freedom of Religion. (ECF No. 5 at 1–2.) Having examined all claims, under 28 U.S.C. § 1915(e), Judge Lioi dismissed Plaintiff’s claims related to his 2008 criminal conviction and his freedom of religion claims against all Defendants except the BCI Warden and Chaplain. (ECF No. 5 at 8.) Judge Lioi subsequently found the proper venue for the claims against BCI Warden and Chaplain was in this Court and transferred those claims. (ECF No. 5 at 9.)

Upon transfer of this case, Plaintiff filed the Motion for Preliminary Injunction (ECF No. 7), Motion for Bond (ECF No. 8), and the Motion for Reconsideration of Judge Lioi’s Order. (ECF No. 9.) Magistrate Judge Jolson reviewed Plaintiff’s Motion to Reconsider and properly found that Plaintiff failed to provide a valid basis for reconsidering Judge Lioi’s Memorandum Opinion and Order. (ECF No. 13 at 3–4.) Judge Jolson then reviewed Plaintiff’s Motions for Preliminary Injunction and Bond and correctly recommended denial as Plaintiff merely “attempts [to] raise the same claims” as Judge Lioi already dismissed. (ECF No. 13 at 5.) Likewise, in his Objection, Plaintiff reasserts the same claims. (*See* ECF No. 15.)

Accordingly, the Report and Recommendation (ECF No. 13) is **ADOPTED**, Plaintiff’s Objection is **OVERRULED** (ECF No. 15), and his Motion for Preliminary Injunction (ECF No. 7), Motion for Bond (ECF No. 8), and Motion for Reconsideration (ECF No. 9) are **DENIED**.

IT IS SO ORDERED.

3-19-2018
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE