

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

Aaron L. Jones, *et al.*,

:

CASE NO.: 20CV-3301

JUDGE MORRISON

Plaintiffs,

:

MAGISTRATE JUDGE PRESTON

DEAVERS

v.

:

Mike DeWine, *et al.*,

:

Defendants.

:

OPINION AND ORDER

This 42 U.S.C. § 1983 matter is before the Court for review of Magistrate Judge Preston Deaver’s March 19, 2021 Order and Report and Recommendation (“R&R”). (ECF No. 30.) The R&R recommends dismissal of all claims and leave to amend be granted for *pro se* Plaintiff Aaron Jones’ individual claims only. *Id.* The R&R also denies as moot Plaintiffs’ Motion for Default Judgment (ECF No. 3) and Plaintiffs’ Motion for the Appointment of Counsel (ECF No. 12), the latter without prejudice.

Mr. Jones filed an “Amended Complaint Pursuant to the Rendering Conducted March 19, 2021 in This Honorable Court and Objection” on April 6, 2021. (ECF No. 31.) Liberal construction of that document establishes that Mr. Jones intends it to amend the Complaint as to his claims only in compliance with the R&R. Employing the wide latitude Mr. Jones’ *pro se* status requires, the document

does not specify any discernable objections to the R&R. Consequently, the Report and Recommendation (Doc. 30) is **ADOPTED** and **AFFIRMED**. Plaintiffs' Motion for Default Judgment is **DENIED** as **MOOT**. Plaintiffs' Motion for the Appointment of Counsel is **DENIED** without prejudice. Mr. Jones' Amended Complaint shall be deemed filed as of the date of this Opinion and Order.¹ The Court will conduct an initial screening of the Amended Complaint under 28 U.S.C. § 1915A as soon as practicable to determine whether any claims are subject to dismissal as frivolous, malicious, failing to state a claim, or because the Amended Complaint seeks monetary relief from a Defendant who is immune from such relief. The Court will then enter an appropriate order and direct service of summons and complaint on Defendants. Additionally, Mr. Jones' Amended Complaint requires that the following pending motions be **DENIED** as **MOOT**: Petitioner's Emergency Motion to Enforce the Preliminary Injunction Pursuant to 2020 U.S. Dist. LEXIS 87607 INFRA (ECF No. 26); Motion for Declaratory, Injunctive, and Compensary [sic] Judgment Pursuant to Civ. R 12; Civ. R 55; Civ. R of Civ. Proc. 23 (a)(b)(2) & (3), (ECF No. 27); Motion to Compel Judgment and Execution of Compassionate Release for Compassionate Relief, (ECF No. 28); and Motion for Writ of Execution Pursuant to the 14th Amendment to the United States Constitution and the Executive Order 2020-01D from Governor Mike DeWine (ECF No. 29).

¹ Mr. Jones attaches his medical records that contain his sensitive personal information to his Amended Complaint. (ECF No. 31-1, PageID 234-38.) The Clerk shall **SEAL** the identified pages.

IT IS SO ORDERED.

/s/Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE