

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

STATE OF OHIO,  
ex rel. DANIEL L. BROWN,

Plaintiff,

-vs-

JUDGE A. J. WAGNER, COURT OF  
COMMON PLEAS, MONTGOMERY  
COUNTY, OHIO

Defendant.

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Case No. 3:05-CV-190

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

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**ORDER TO PRO SE PLAINTIFF UPON FILING OF MOTION TO DISMISS  
OR MOTION FOR SUMMARY JUDGMENT**

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You are hereby notified that the Defendant has filed with the Court on September 14, 2006, a motion to dismiss your claim in this case or for summary judgment on those claims. You should receive a copy of the motion directly from the Defendants.

Under the rules of this Court (S.D. Ohio L.R. 7.2) you are allowed twenty-one days from the date of service (September 14, 2006) to file a response to this motion, plus an extra three days if the motion was served on you by mail. Your response must be filed with the Court not later than October 9, 2006.

Under Fed. R. Civ. Proc. 56, a party faced with a motion for summary judgment cannot rely merely on the claims he or she has made in the Complaint, but must respond with evidence which shows that there is a genuine issue of material fact for trial in the case. The evidence must be of the same quality as would be admissible at trial in the case.

September 14, 2006.

*Michael R. Merz*

UNITED STATES MAGISTRATE JUDGE