

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

FILED
JAMES BRONINI
CLERK

07 FEB -1 PM 4:11

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

WAYNE DOYLE

Plaintiff,

Case no. 3:07-003

-vs.-

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

JOHN McCONAGHA and

CLARK COUNTY LIBRARY, et al.,

Defendants.

MOTION FOR: FINDINGS OF FACT AND CONCLUSIONS OF LAW
MOTION FOR: OBJECTION TO ALL THE REPORTS AND RECOMMENDATION

CONCERNING :

- (1) Chief Magistrate Judge Merz January 8, 2007, Report and Recommendations: Order setting date for Preliminary Injunction.
- (2) Chief Magistrate Judge Merz January 25, 2007, WITHDRAWN Report and Recommendations.
- (3) Chief Magistrate Judge Merz January 25, 2007, Supplemental Report and recommendations.

IN SUPPORT OF THE FOREGOIG

On January 8, 2007, Chief Magistrate Judge Michael Merz said: "This case is hereby set for preliminary injunction hearing in Courtroom No. 4 on January 22, 2007, at 9:30 a.m. If that time and date is (impossible) for (either) party, that party shall consult with

INJUSTICE ANYWHERE IS A THREAT AGAINST JUSTICE EVERYWHERE

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

the opposing party about a possible time and contact the Court's judicial assistant,
DeAnna Perry to reset the matter." Question: Judge Merz, what does this this mean?.

On January 22,2007, Chief Magistrate Judge Merz said: "Plaintiff not present;
Defense counsel Lauren Ross states for the record the Plaintiff told her in a telephone call
on Friday, 1/19/07, he would not be here as he had no transportation. The Motion for
Preliminary Injunction is taken under advisement and the parties will be advised in .
writing of the Court's decision." Question for Chief Magistrate Judge Merz, Who
Advised you.?

Similar to John McConagha mind-set, Chief Magistrate Judge Merz recommended
. that the preliminary injunction relief be denied in spite of knowing that I would not be
there to defend myself.

See. January 8,2007, REPORT AND RECOMMENDATIONS: ORDER SETTING
DATE FOR PRELIMINARY INJUNCTION HEARING.

See. January 24, 2007, MOTION TO RESCHEDULE PRELIMINARY HEARING;
OBJECTION TO CHIEF MAGISTRATE JUDGE MERZ REPORT AND
RECOMMENDATIONS OF PRELIMINARY INJUNCTION.

See. January 12,2007, objection to the Magistrates Recommendations.

On January 25, 2007, Judge Merz said: "Notice of the hearing had been given to the
parties in writing as a part of the Report and Recommendations Doc. No. (5). Defendant

INJUSTICE ANYWHERE IS A THREAT AGAINST JUSTICE EVERYWHERE

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

John McConagha was present in person and he and the Clark County Library were represented by attorney Lauren Ross, their trial attorney in the case.” “Plaintiff, however did not appear, despite having been advised by the Court’s staff on Friday, January 19,2007, that the hearing was still scheduled and the he was required to APPEAR.” Question: Judge Merz,, What fact or conclusion of law supports THIS,

YOUR FORM OF RATIONAL AND REASONING.?

RELIEF SOUGHT

Finding of fact and Conclusions of Law concerning all of the orders, reports and Recommendations Chief Magistrate Michael Merz has decided. The orders and reports And recommendations should include but not be limited to the following:

- (1) Chief Magistrate Judge Merz January 8, 2007, Report and recommendations; Order setting date for Preliminary Injunction Hearing.*
- (2) Chief Magistrate Judge Merz January 16,2007, Supplemental Report and recommendations.*
- (3) Chief Magistrate Judge Merz January 22. 2007, report and recommendations.*
- (4) Chief Magistrate Judge Merz January 25,2007, WITHDRAWN Report and Recommendations.*

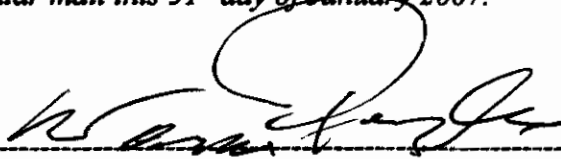
SERVICE

I hereby certify that a true copy of the FINDING OF FACTS AND CONCLUSION OF LAW MOTION was served upon Lauren M, Ross, P.O. Box 1488 Springfield, Ohio

INJUSTICE ANYWHERE IS A THREAT AGAINST JUSTICE EVERYWHERE

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

45501-1488 by regular mail this 31st day of January 2007.

A handwritten signature in black ink, appearing to read "Wayne Doyle", is written over a horizontal dashed line. The signature is fluid and cursive, with a large loop at the top.

WAYNE DOYLE

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

SERVICE

I hereby certify that a true copy of the following was served upon Lauren
M. Ross , P.O. Box 1488 Springfield, Ohio 45501-1488 by regular mail this
31st day of January 2007'



WAYNE DOYLE