

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

WAYNE DOYLE,

Plaintiff,

:

Case No. 3:07-cv-003

-vs-

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

:

CLARK COUNTY PUBLIC LIBRARY,
et al.,

Defendants.

**DECISION AND ORDER DENYING PLAINTIFF'S MOTION FOR DEFINITE
STATEMENT AND/OR FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This case is before the Court on Plaintiff's "Objection re Decision and Order Motion for More Definite Statement Finding of Fact an Conclusion of Law Concerning All Questions Asked and Answered by the Court" (Doc. No. 25). To the extent Plaintiff seeks to have the Magistrate Judge make a more definite statement under Fed. R. Civ. P. 12, the Motion is denied; a motion for definite statement can only be directed to the pleading of an opposing party.

To the extent the Motion seeks to have the Magistrate Judge file further findings of fact and conclusions of law with respect to the Motion for Temporary Restraining Order, the Motion is denied as Moot in that Judge Rose has already adopted the Report and Recommendations and denied the temporary restraining order (Doc. No. 23).

The Court again points out to Plaintiff that he has never caused process to issue in this case, despite all the papers he has filed. The case cannot proceed without service of process on the Defendants. Unless Plaintiff causes process to be issued for service not later than March 1, 2007,

the Magistrate Judge will recommend that this case be dismissed for want of prosecution.

February 21, 2007.

s/ **Michael R. Merz**
Chief United States Magistrate Judge