

**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.

**REPORT AND RECOMMENDATIONS ON PLAINTIFF'S FOURTH RENEWED
MOTION FOR TEMPORARY RESTRAINING ORDER**

This case is before the Court on Plaintiff's Fourth Motion for Emergency Restraining Order (Doc. No. 38), filed March 16, 2007.

Upon examination, the Motion presents no facts, law, or arguments which have not already been considered by this Court in previously denying a temporary restraining order in this case. For the reasons already stated by the Magistrate Judge and adopted by District Judge Rose, the Motion is not well taken and should be denied.

As an additional reason for denying preliminary injunctive relief, the Court notes that the bar order of which Plaintiff complains expires in two days' time on March 21, 2007. As of that date, any request for temporary injunctive relief based on the March, 2005, bar order will be moot.¹

Plaintiff is also formally notified that the Court does not yet have any proof that the Summons and Complaint have been served on either Defendant. Under Fed. R. Civ. P. 4(m), service must be made within 120 days of the initial filing; in this case, that is on or before May 3, 2007. Failure to

¹This of course does not moot any claim Plaintiff has for damages or for declaratory relief.

make proper service by that date may result in dismissal for want of prosecution.

March 19, 2007.

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

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).