

CLERK
JAMES DONINI
COURT

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

2007 MAR 23 A 11: 53

WAYNE DOYLE

Plaintiff,

Case No. 3:07-cv-003

District Judge Thomas M. Rose
Chief Magistrate Judge Michael Merz

-vs-

JOHN MC CONAGHA AND
CLARK COUNTY PUBLIC LIBRARY,
Et al.,

Defendants.

MOTION FOR CLARITY FROM THE COURT CONCERNING:

Judge Merz 2/21/2007, decision and order denying Plaintiff's motion for definite statement and/or finding of fact and conclusion of law wherein he stated "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. See 2/21/2007, DECISION AND ORDER. On 3/19/2007, within Judge Merz REPORT AND RECOMMENDATIONS he stated: "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 make proper service by that date may result in dismissal for want of prosecution. See Judge Merz 2/21/2007, DECISION AND ORDER also Wayne Doyle's 2/28/2007, Summons to John Mc'Conagha and the Clark County Library.

(RELIEF SOUGHT)

QUESTION'S FOR THE COURT TO CLARIFY

1. *Is Plaintiff Doyle's Summons and Complaint to John Mc Conagha and THE CLARK COUNTY LIBRARY filed with the Court?.*
2. *How long did Plaintiff Doyle have to serve the Defendant's the complaint? Was it no later tha March 1,2007, or on or before May 3,2007?.*

3. *DOES WAYNE DOYLE . HAVE THE RIGHT TO ASK THE COURT TO EXPLAIN WHAT THEY ARE SAYING IN THEIR ENTRY IF THERE IS NO CLEAR ANSWER TO WHAT THEY ARE SAYING?*

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

SERVICE

Mailed to Lauren M. Ross, P.O. Box 1488 Springfield, Ohio 45501-1488 by regular mail this 21st day of March 2007.

Wayne Doyle

WAYNE DOYLE

4.

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

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

WAYNE DOYLE,

Plaintiff,

Case No. C-3-07-0003

-vs-

**CLARK COUNTY PUBLIC
LIBRARY, et al.,**

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

Defendant.

ENTRY AND ORDER OVERRULING PLAINTIFF'S OBJECTIONS (DOC. #25) AFFIRMING THE COURT'S PREVIOUS ADOPTION OF THE REPORTS AND RECOMMENDATIONS (DOC. #5 AND DOC. #8) OF THE CHIEF MAGISTRATE JUDGE IN THEIR ENTIRETY, ADOPTION, IN THEIR ENTIRETY OF THE DECISIONS AND ORDERS (DOC. #17 AND DOC. #22) OF THE CHIEF MAGISTRATE JUDGE

This matter comes before the Court pursuant to a pleading filed by Plaintiff Wayne Doyle (Doc. #25) on February 16, 2007. This document was entitled:

**“Transcript 1-5-2007 Enclosed
Objection to Decision and Order
Motion for More Definite Statement
Findin (sic)of Fact and Conclusion of Law Concerning All Questions Asked and
Answered by the Court During the Telephone Conference
RENEWED
Motion for: Findings of Fact and Conclusions of Law
Motion for: Objection to all the Reports and Recommendation”**

It appears that Plaintiff specifically is again objecting to the Chief Magistrate's Report and Recommendations (Doc. #5) issued January 8, 2007 and a Supplemental Report and Recommendations (Doc. #17) issued by the Chief Magistrate Judge on January 25, 2007. With regard to those documents, the Magistrate's filing on January 25, 2007 (Doc. #17) was not a supplemental recommendation. The Supplemental Report and Recommendation filed by the Chief Magistrate Judge was document #10 filed January 16, 2007. Plaintiff filed an Objection (Doc. #8) to the Chief Magistrate Judge's Report and Recommendation (Doc. #5) on January 12, 2007 which resulted in the Chief Magistrate Judge issuing the Supplemental Report and

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

Wayne Doyle
v.

SUMMONS IN A CIVIL CASE

John McConagha

CASE NUMBER: 3:07-CV-0003

TO: (Name and address of Defendant)

John McConagha
201 Fountain Ave
Springfield Ohio 45506

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

James Bonini, Clerk

CLERK

[Signature]

(By) DEPUTY CLERK

DATE

2/28/07

SERVICE

Mailed to Lauren M. Ross, P.O. Box 1488 Springfield, Ohio 45501-1488 by regular mail this 21st day of March 2007.

Wayne Doyle

WAYNE DOYLE