

**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 GRANTING MOTION TO CLARIFY

This case is before the Court on Plaintiff's Motion to Clarify (Doc. No. 42). Therein, he notes that

1. On February 21, 2007, the Magistrate Judge ordered him to cause process to be issued not later than March 1, 2007; and
2. On March 19, 2007, the Magistrate Judge advised him that process had to be served not later than May 3, 2007.

Having made those observations, Plaintiff poses three questions to the Court. In response, the Court advises that the Complaint herein was filed January 4, 2007, but no Summons was issued by the Clerk to Plaintiff for service until February 28, 2007 (Doc. No. 33). There is a difference between getting the summons issued, which is done by the Clerk of Courts, and getting it served on Defendants, which in the case of persons proceeding *in forma pauperis* is done by the United States Marshal under 28 U.S.C. § 1915. Because a case is not properly commenced until the defendants have been served with process and there was a two-month delay in obtaining issuance of process here – despite repeated requests for temporary injunctive relief in the meantime – the Court believed it was necessary to call

to Plaintiff's attention to the requirement to have process issued. The Court notes that process was not issued until one week after the February 21, 2007, Order to do so.

Plaintiff's last question is "Does Wayne Doyle have the right to ask the Court to explain what they are saying in their Entry is there is no clear answer to what they are saying?" The Court responds "yes," without necessarily committing itself to being able to make Plaintiff understand what it is saying.

March 23, 2007.

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