

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

DWAINE WRIGHT,	:	
	:	
Plaintiff,	:	
	:	Case No. 3:10cv067
vs.	:	
	:	JUDGE WALTER HERBERT RICE
MIAMI COUNTY SHERIFF'S OFFICE,	:	
et al.,	:	
	:	
Defendants.	:	

DECISION AND ENTRY OVERRULING, AS MOOT, PLAINTIFF'S
OBJECTIONS (DOC. #6) TO THE REPORT AND RECOMMENDATIONS
OF THE MAGISTRATE JUDGE (DOC. #4)

The Court has referred this matter to United States Magistrate Judge Michael Merz. That judicial officer has screened Plaintiff's Complaint (Doc. #3), as mandated by 28 U.S.C. § 1915A, and has recommended that this Court dismiss that pleading. See Doc. #4. In response thereto, Plaintiff filed Objections (Doc. #6) to Judge Merz's Report and Recommendations (Doc. #4). Plaintiff has also filed a motion, seeking leave to file an amended complaint. See Doc. #7. By Notation Entry, Judge Merz has overruled, as moot, Plaintiff's request for leave to amend, because Plaintiff can amend once, as a matter of right, in accordance with Rule 15(a) of the Federal Rules of Civil Procedure. Judge Merz has also granted, by Notation Entry, Plaintiff's subsequent request that he be given an extension of

time in which to file his amended complaint. As a result, Plaintiff has been afforded up to and including April 15, 2010, in which to file that pleading.

Based upon the events that have occurred in this litigation since Judge Merz issued his Report and Recommendations (Doc. #4), it is apparent that the Plaintiff will be filing an amended complaint. Judge Merz will then screen that pleading in accordance with § 1915A, and issue a Report and Recommendations, which will supplant that previously filed by the Magistrate Judge herein.¹ Since that judicial filing will be supplanted, Plaintiff's Objections (Doc. #6) thereto are moot. Accordingly, the Court overrules, as moot, Plaintiff's Objections (Doc. #6) to the Report and Recommendations of the Magistrate Judge (Doc. #4).

March 31, 2010

/s/ Walter Herbert Rice

WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

Counsel of Record.

¹Given that the Report and Recommendations of the Magistrate Judge will be supplanted, there is no reason for this Court to adopt or to reject that judicial filing herein.