

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

ANTHONY L. WILSON, : Case No. 3:12-CV-337
Plaintiff, : District Judge Timothy S. Black
v. : Magistrate Judge Michael J. Newman
PHIL PLUMMER, *et al.*, :
Defendants. :

**ORDER GRANTING *PRO SE* PLAINTIFF'S MOTION TO ADMIT ADDITIONAL
EXHIBITS (DOC. 10)**

Now before the Court is a *pro se* motion (doc. 10) in which Plaintiff seeks to submit exhibits in support of his memorandum in opposition (doc. 8) to Defendants' Fed. R. Civ. P. 12(b)(6) motion to dismiss (doc. 7). As a general rule, in considering a Fed. R. Civ. P. 12(b)(6) dismissal motion, the Court is limited to considering only the pleadings; if matters outside the pleadings are considered, the Court must convert the motion to one for summary judgment. *Wedgewood Ltd. P'ship I. v. Twp. of Liberty*, 456 F. Supp. 2d 904, 909 n.1 (S.D. Ohio 2006). However, there is an exception to that rule which is applicable here: the Court may consider public records. *See id.* *See also Nieman v. NLO, Inc.*, 108 F.3d 1546, 1554 (6th Cir. 1997). Plaintiff seeks to submit the docket sheet from his criminal case in the Montgomery County, Ohio Common Pleas Court (doc. 10-1), as well several Orders of Appearance in his criminal case (docs. 10-2; 10-3; 10-4).¹ Accordingly, as Plaintiff seeks only to submit public records, the Court **GRANTS** Plaintiff's

¹ Plaintiff also attaches an affidavit in which he avers that the attached documents are true court documents. *See* doc. 10-5.

motion (doc. 10). The Court will consider Plaintiff's attached exhibits in ruling on Defendants' motion to dismiss.

IT IS SO ORDERED.

January 24, 2013

s/ Michael J. Newman
United States Magistrate Judge