

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

|                         |   |                                                                     |
|-------------------------|---|---------------------------------------------------------------------|
| ADAM M. GLOWKA,         | : | Case No. 3:12-cv-345                                                |
| Plaintiff,              |   |                                                                     |
| -vs-                    |   | District Judge Timothy S. Black<br>Magistrate Judge Michael R. Merz |
| DEPUTY GERALD H. BEMIS, | : |                                                                     |
| et al.,                 |   |                                                                     |
| Defendants.             | : |                                                                     |

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**DECISION AND ORDER**

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This action is before the Court on Plaintiff's Motion to Advance Costs (Doc. No. 36). Virtually all of the funds sought are for conducting discovery, but District Judge Black set June 1, 2014, as the discovery cut-off date in this case (Calendar Order, Doc. No. 17). Since that date has passed, no further discovery may be undertaken. Therefore the Motion is DENIED.

The case is also before the Court on Glowka's Motion to Compel (Doc. No. 37). This Motion is DENIED. First of all, the statements Glowka seeks are in the nature of discovery and the discovery deadline in this case has passed. Secondly, no party may file a motion to compel without first having exhausted extrajudicial means to obtain the information and certifying to the Court what those efforts have been. Fed. R. Civ. P. 37. Glowka has not made the appropriate certification. Third, Glowka evinces his belief that these statements could substitute for subpoenaed trial testimony. However, the statements would constitute inadmissible hearsay.

Fed. R. Evid. 801, 802.

Glowka's Motion to Compel (Doc. No. 38) his prior attorney, Jeffrey Silverstein, to forward his file on this case to Plaintiff is GRANTED IN PART AND DENIED IN PART. Mr. Silverstein shall furnish Glowka with any material in his file which is of evidentiary value and which Glowka does not already possess. Otherwise the Motion is denied.

Glowka's Motion to Compel (Doc. No. 39) the Bureau of Prisons to provide him with unlimited access to the law library is DENIED. It would be a completely inappropriate interference by this Court with prison administration to order such unlimited access in that such access would undoubtedly interfere with the obligation of the Bureau of Prisons to provide access to other prisoner litigants.

Glowka's Motion to Reconsider Appointment of Counsel (Doc. No. 40) is DENIED without prejudice to its renewal if this case survives summary judgment. To the extent Glowka cause the discovery deadline has passed. To the extent Glowka purports to show he has attempted to obtain counsel, the showing is unpersuasive: it involve, only a list of names of attorneys plus a six-month-old letter from a California attorney asking for information with no indication how or if Glowka responded.

Glowka's Motion to Extend Deadlines by six months (Doc. No. 41) is DENIED as untimely as it was filed after the discovery deadline had passed but without any showing of effort by Glowka to conduct discovery or otherwise prepare this case for trial before the changes in his custody status which he recites in the Motion.

Glowka's Motion to Produce (Doc. No. 42) is DENIED in that the discovery deadline in this case has passed. Furthermore, the Court notes that the Montgomery County Sheriff's Office

is not subject to the Freedom of Information Act or the Privacy Act.

July 10, 2014.

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