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

WARREN EASTERLING, :

Case No. 3:14-cv-130
Case No. 3:14-cv-217

Petitioner,

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

-vs-

JUDGE MARY DONOVAN, et al., ,

Respondents. :

REPORT AND RECOMMENDATIONS

These cases are before the Court on identical[1] Motions for Relief from Judgment under Fed. R. Civ. P. 60(b). In them he reiterates his oft-made claim that 28 U.S.C. § 1331 trumps the Rooker-Feldman doctrine. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *Dist. Columbia Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983). That was not the law when these cases were dismissed and that is not the law now. If Mr. Easterling disagrees with this conclusion, he should take his claim to the United States Court of Appeals for the Sixth Circuit which has exclusive jurisdiction to reverse this Court is it is wrong.

Both Motions for Relief from Judgment should be denied.

May 27, 2015.

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

[1] To the point that the District Judge's first name is misspelled in both Motions.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).