

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

WARREN EASTERLING,	:	
Plaintiff,		
v.	:	Case No. 3:14-cv-314
BARBARA GORMAN,		JUDGE WALTER H. RICE
Defendant.		

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #23);
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #24);
OVERRULING PLAINTIFF'S "MOTION FOR RELIEF OF JUDGMENT
(RULE 60B)" (DOC. #20); CASE TO REMAIN TERMINATED

Based on the reasoning and citations of authority set forth by Chief United States Magistrate Judge Sharon L. Ovington in her October 9, 2015, Report and Recommendations, Doc. #23, as well as on a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety.

Plaintiff's Objections thereto, Doc. #24, are OVERRULED. Contrary to Plaintiff's argument, a dismissal under 28 U.S.C. § 1915(e) *does* constitute an "adjudication on the merits for purposes of res judicata." *Burton v. Cleveland Empowerment Zone*, 102 F. App'x 461, 463 (6th Cir. 2004). Moreover, as the Court has explained to Plaintiff on several occasions, even though 28 U.S.C.

§ 1331 grants the district court jurisdiction over cases involving questions arising under federal law, there are times when the district court must abstain from exercising that jurisdiction. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291 (2005) (noting that the *Rooker-Feldman* doctrine “precludes a United States district court from exercising subject-matter jurisdiction in an action it would otherwise be empowered to adjudicate under a congressional grant of authority, e.g., § 1330 (suits against foreign states), § 1331 (federal questions, and § 1332 (diversity.”).

The Court therefore OVERRULES Plaintiff’s “Motion for Relief of Judgment (Rule 60B),” Doc. #20. The above-captioned case shall remain terminated on the docket of this Court.

Date: October 22, 2015



WALTER H. RICE
UNITED STATES DISTRICT JUDGE