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

ERIC T. RUSSELL, SR.,

Petitioner, : Case No. 3:14-cv-315

- vs - District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

SHERIFF PHIL PLUMMER,

:

Respondent.

REPORT AND RECOMMENDATIONS

This habeas corpus case under 28 U.S.C. § 2254 came before the Court for initial review on September 25, 2014. Noting that Petitioner had neither used the required standard form for petition nor provided the information required by the form, the Court ordered him to re-plead (Doc. No. 2). The Court also noted that he had neither paid the $5.00 filing fee nor applied to proceed *in forma pauperis* and ordered him to choose one of those alternatives. *Id.*

Petitioner has not complied. Rather on October 6, 2014, he asked that these proceedings be stayed pending the outcome of a civil case pending in the Montgomery County Common Pleas Court (Doc. No. 3). The Court denied that Motion and reminded Russell that he had not complied with the prior Order.

As of the date of this Report, Russell has still not complied with the Court's Order on initial review. It is therefore respectfully recommended that this case be dismissed without

prejudice for want of prosecution.

October 30, 2014.

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

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).

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