

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

RONALD HARRIS II,

Petitioner,

: Case No. 3:15-cv-179

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

WARDEN, Chillicothe  
Correctional Institution,

:

Respondent.

---



---

**REPORT AND RECOMMENDATION**

---



---

This habeas corpus case, brought *pro se* by Petitioner Ronald Harris II, is before the Court on what the Clerk has docketed as “Motion to Enter 28 USCS & 2347 & 1338.” (ECF No. 17), filed electronically on February 3, 2023. The Motion itself is sixteen pages long and has 415 pages of exhibits. It does not include any intelligible request for relief except “to receive a full scale hearing within our United States District Courts.” The Motion has been docketed in the above case because it appears to be Harris’s most recent.

Harris has no open cases in which he could be given a “full scale hearing,” so it seems most logical to regard his Motion as one to reopen the judgment in his most recent case. As a post-judgment motion, it requires a report and recommendation from an assigned Magistrate Judge.

Motions to reopen final judgments are considered under Fed.R.Civ.P. 60(b). Motions under that Rule have a deadline of one year from the date of judgment. Final appealable judgment was entered in this case on October 16, 2015 (ECF No. 12). Harris attempted to appeal but was

denied the required certificate of appealability both by this Court and the Sixth Circuit Court of Appeals (ECF Nos. 11 & 15), most recently May 5, 2016. Therefore the instant Motion is plainly untimely and should be denied on that basis.

February 7, 2023.

### **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. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. 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. 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.

#### **Notice Regarding Page Limitation**

Local Rules of this Court place a limit of twenty pages on filings. Should Petitioner decide to file objections, which is his right, he is reminded that they may not exceed twenty pages in length, **including any exhibits**. Objections longer than the permitted twenty pages will be stricken or ignored.

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

#