

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

UNITED STATES OF AMERICA,  
Ex rel Enterprise Roofing & Sheet  
Metal Co., et al.,

Plaintiffs,

:

Case No. 3:17-cv-162

- vs -

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

BRIGADIER CONSTRUCTION  
SERVICES LLC, et al.,

Defendants.

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**RECUSAL ORDER**

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This is a Miller Act case, assigned to the undersigned under the Dayton General Order of Assignment and Reference when it was filed on May 8, 2017. Because there is as yet no return of service on the Defendants, it is likely that a preliminary pretrial conference will not be held for several months and any preliminary pretrial conference order is likely to set dates for summary judgment practice and trial after the expiration of my term of office on March 1, 2018. Accordingly, I hereby recuse myself from further participation in this case as a judge and direct the Clerk to reassign the case to one of the other Magistrate Judges resident at Dayton.

May 11, 2017.

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