

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

DAVID ROBINSON,	:	
	:	Case No. 3:17cv00403
Plaintiff,	:	
	:	
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
MONTGOMERY COUNTY DISTRICT:	:	
1 COURTS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER TRANSFERRING REFERENCE

Plaintiff David Robinson is an inmate at the London, Ohio Correctional Institution. He brings this case *pro se* and *in forma pauperis*. He alleges that he has done all his “stated terms” and served all of his sentence. *See* Doc. #1, *PageID* #2 (“I did all of my time.”). He asks the Court to vacate his sentence to post-release control. He specifies, “I am not filing a money lawsuit, I am filing to be released from this post-release control from or through the Ohio Adult Parole Authority.” *Id.* at 3.

“[H]abeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release, even though such a claim may come within the literal terms of [42 U.S.C.] § 1983.” *Heck v. Humphrey*, 512 U.S. 477, 481 (1994) (discussing *Preiser v. Rodriguez*, 411 U.S. 475, 488-90 (1973)). Plaintiff’s Complaint essentially seeks relief in the form of a writ of habeas corpus because, rather than pursuing money damages, he asks for an immediate or

speedier release from his present confinement and from his sentence to post-release control. This case is therefore **TRANSFERRED** from Magistrate Judge Sharon L. Ovington's docket to the docket Magistrate Judge Michael R. Merz.

December 7, 2017

s/Sharon L. Ovington

Sharon L. Ovington

United States Magistrate Judge