

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

State ex rel. Darllel Orr v. Eighth District Court of Appeals

Orr · No. 1:25-cv-803 · Decided November 24, 2025

SUMMARY

The court denies Plaintiff’s motion to transfer the federal action to the Ohio Supreme Court, explaining that federal courts cannot transfer cases to state courts. The magistrate judge recommends dismissal without prejudice because the action was filed in the wrong court system, allowing Plaintiff to refile in the appropriate state court.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Chelsey M. Vascura
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	November 24, 2025
DOCKET	1:25-cv-803
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to correct the record and requested transfer of the federal action to the Ohio Supreme Court. The magistrate judge denied the motion and issued a Report and Recommendation that the action be dismissed without prejudice.
STANDARD OF REVIEW	Upon proper objections to the Report and Recommendation, the district judge must make a de novo determination of the portions to which objections are made under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Nonprecedential and not final as to the recommended dismissal absent district-judge adoption.
PARTIES	State ex rel. Dar llel Orr v. Eighth District Court of Appeals

TOPICS

- appellate procedure
- civil procedure
- federalism

PRACTICE AREAS

civil procedure

appellate procedure

federalism

QUESTIONS PRESENTED

1. Whether a federal court may transfer an action to a state court.
2. Whether the action should be dismissed without prejudice because it was filed in the wrong court system.

HOLDINGS

1. A federal court cannot transfer a case to a state court; the plaintiff's motion to correct the record and transfer the action to the Ohio Supreme Court was denied.
2. Dismissal without prejudice was recommended so that Plaintiff could refile the action in the appropriate state court.

KEY QUOTATIONS

"Federal courts cannot transfer cases to state courts."

FACTUAL BACKGROUND

Plaintiff was incarcerated and intended to bring the action in the Ohio Supreme Court. He mistakenly filed the action in the United States District Court because of issues with the filing system at the state facility. He therefore requested transfer of the case to the Ohio Supreme Court.

PROCEDURAL HISTORY

Plaintiff, an incarcerated litigant, stated that he intended to file in the Ohio Supreme Court but mistakenly filed in federal court because of problems with the filing system at his state facility. He moved to correct the record and transfer the case to the Ohio Supreme Court. The magistrate judge denied transfer and recommended dismissal without prejudice because the action was filed in the wrong court system; the recommendation remained subject to objections and district-judge review.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION STATE ex rel. DARLLEL ORR, Plaintiff, v. Civil Action 1:25-cv-803 Judge Susan J.

Dlott Magistrate Judge Chelsey M. Vascura EIGHTH DISTRICT COURT OF APPEALS, Defendant. ORDER and REPORT AND RECOMMENDATION This matter is before the Court on Plaintiff's Motion to Correct the Record. (ECF No. 4.)

Plaintiff explains that he intended to file this action in the Ohio Supreme Court but mistakenly filed here due to issues with the filing system at the state facility where he is incarcerated. He asks this Court to transfer this case to the Ohio Supreme Court. Plaintiff's Motion is DENIED. Federal courts cannot transfer cases to state courts.

In addition, because Plaintiff's action was filed in the wrong court system, it is RECOMMENDED that this case is DISMISSED without prejudice so that Plaintiff may refile in the appropriate state court. IT IS SO ORDERED. /s/ Chelsey M. Vascura CHELSEY M. VASCURA UNITED STATES MAGISTRATE JUDGE PROCEDURE ON OBJECTIONS If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s).

A District Judge of this Court shall make a de novo determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions.

28 U.S.C. § 636(b)(1). The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.

1981).