

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIE M. WALKER,

Petition

er, v.

COLUMBUS DIVISION OF
POLICE, FRANKLIN COUNTY
PROSECUTOR'S OFFICE, FRANKLIN
COUNTY CORONER'S OFFICE, CITY
OF COLUMBUS, ROBBY WARNICK,
ROBERT WACHALEC, TERRY
MCCONNELL, MICHELLE HENRY, AND
JANET A. GRUBB, *et al*,
Respondents.

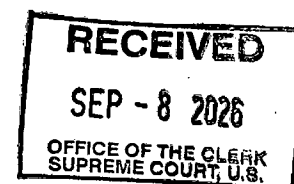
On Petition for Writ of Certiorari to the United
States Court of Appeals for the Sixth Circuit

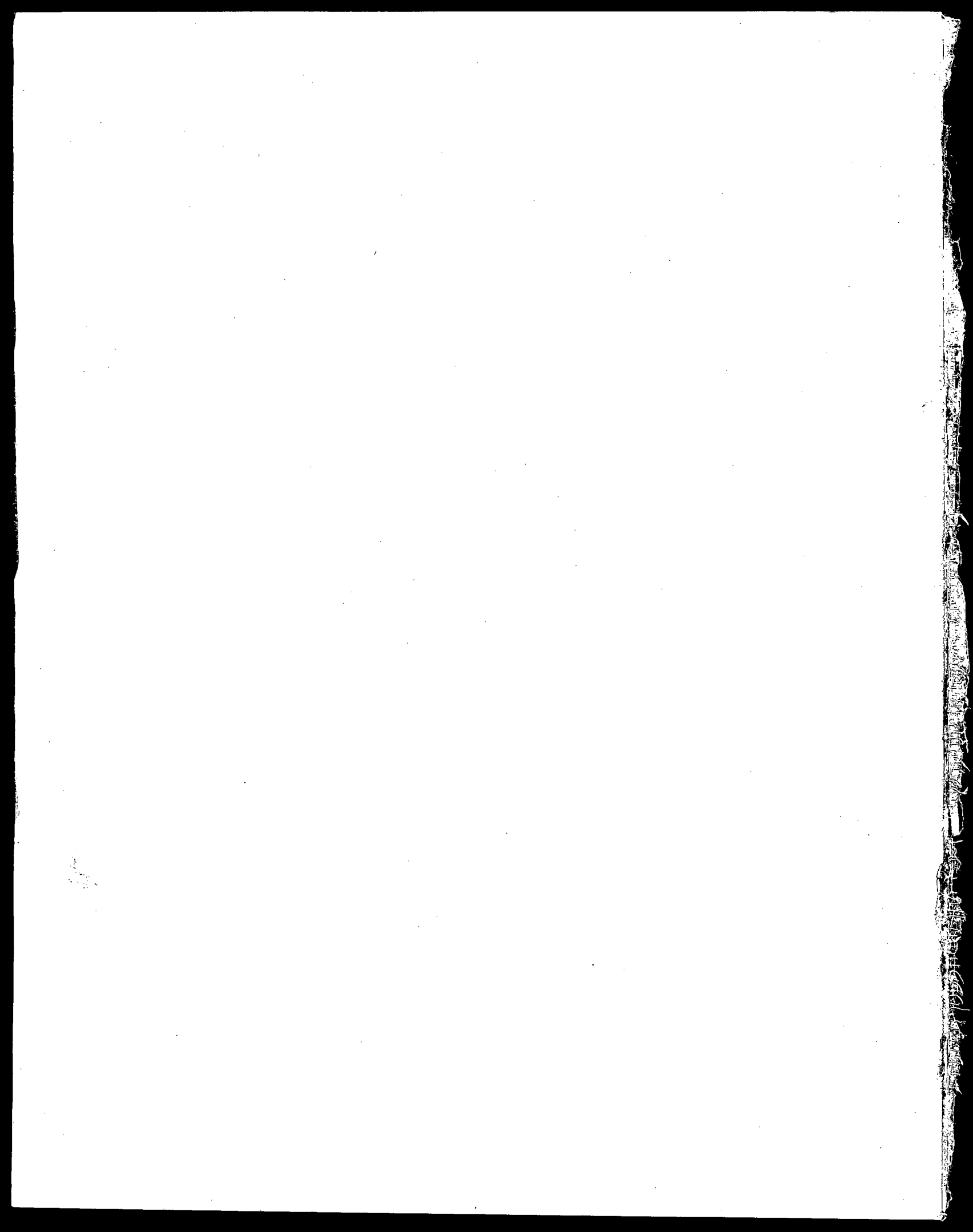
APPENDIX TO PETITION FOR WRIT OF
CERTIORARI

WILLIE M. WALKER

2012 Hegemon Crest Drive Columbus, OH 43219

walker22w@aol.com





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No. 25-3625

**UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT**

WILLIE M. WALKER	)	
	)	
Plaintiff-Appellant,	)	ON APPEAL FROM
	)	THE UNITED STATES
v.	)	DISTRICT COURT
	)	FOR THE SOUTHERN
	)	DISTRICT OF OHIO
COLUMBUS DIVISION)		
OF POLICE, et al.,	)	
	)	
Defendants-Appellees.	)	

O R D E R

Before: CLAY, KETHLEDGE, and MATHIS,
Circuit Judges.

Entered on Feb. 24, 2026

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Pro se Ohio plaintiff Willie M. Walker appeals the district court's judgment dismissing his 42 U.S.C. § 1983 civil rights complaint. Walker moves to supplement the district court record. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. See Fed. R. App. P. 34(a)(2). For the reasons below, we affirm the district court's judgment dismissing Walker's federal claims with prejudice, vacate the district court's judgment dismissing Walker's state-law claims with prejudice, and remand the case to the district court with instructions to dismiss the state-law claims without prejudice.

On October 16, 2015, first responders answered a call at 321 Johnson Street in Columbus, Ohio, where they found Walker's son, Vonmason Walker, dead from a gunshot wound to his head. Columbus Division of Police homicide detectives concluded that Walker committed suicide, as did the Franklin County Coroner. Walker was convinced, however, that Vonmason

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had been murdered.

Walker therefore retained private detectives to investigate Vonmason's death. Walker's investigators developed evidence and witnesses indicating that three men (whom their report identified) had murdered Vonmason over a disputed debt and then staged the crime scene to make it look like a suicide. In 2016 and 2017, the investigators wrote reports that explained their findings, and Walker provided copies of those reports to the police department. Walker also turned over to the police Vonmason's cellphone, which allegedly contained a threatening text from one of the suspects. Lastly, Walker's investigators arranged for the police to interview one of their witnesses, but the homicide detectives treated her so poorly that she refused to cooperate with the investigation.

Walker's private investigation prompted the coroner to change Vonmason's cause of death from suicide to undetermined and ultimately to homicide. Yet the Franklin County Prosecuting Attorney did not file charges against the men

whom Walker had identified as suspects. Homicide detectives subsequently concluded that Vonmason's shooting death was accidental and not suicide. The detectives returned Vonmason's cellphone to Walker, but they allegedly deleted the threatening text message that Vonmason had received. And the police and prosecutor have since denied Walker's repeated requests to reopen the case and charge someone with murdering Vonmason.

In February 2025, Walker filed a § 1983 complaint in the district court against the Columbus Division of Police, the City of Columbus, the Franklin County Prosecutor's Office, the Franklin County Coroner's Office, and 24 individuals associated with those agencies. Walker asserted that the defendants engaged in a pattern of misconduct in investigating Vonmason's death and refusing to file criminal charges against the men who allegedly murdered Vonmason, including obstruction of justice, filing false documents, dereliction of duty, witness intimidation, and failure to supervise employees. Walker claimed that the defendants' actions and/or failure to act violated his federal

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constitutional rights to due process, to equal protection, and to be free from unreasonable searches and seizures. Walker also brought state-law claims against the defendants for wrongful death, intentional infliction of emotional distress, and negligence.

On motion of the defendants, the district court dismissed Walker's claims under Federal Rule of Civil Procedure 12(b)(6), concluding that certain defendants were not *sui juris*, that absolute immunity shielded the prosecutor, and that the claims were untimely under their respective statutes of limitations. The district court denied Walker leave to amend his complaint.

On appeal, Walker argues that the district court erred in dismissing his complaint and denying him leave to amend.

Under Rule 12(b)(6), we "construe the complaint in the light most favorable to the plaintiff and accept all factual allegations as true." *Laborers' Loc. 265 Pension Fund v. iShares Tr.*, 769 F.3d 399, 403 (6th Cir. 2014). "To survive a motion to dismiss, a complaint must contain

sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* "To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States and must show that the alleged deprivation was committed by a person acting under color of state law." *Hester v. Chester County*, 162 F.4th 780, 784 (6th Cir. 2025) (citation modified).

Before considering the district court's reasons for dismissing Walker's § 1983 claims, we address the preliminary and dispositive question of whether he even stated constitutional claims against the defendants. See *U.S. Nat'l Bank of Or. v. Indep. Ins. Agents of Am., Inc.*, 508 U.S. 439, 447 (1993) ("[A] court may consider an issue antecedent to and ultimately dispositive of the

dispute before it, even if the parties fail to identify and brief the issue.”).

Walker asserted that the defendants’ conduct violated several different constitutional provisions. But the thrust of Walker’s claims is that the defendants’ investigation into Vonmason’s death and their refusal to arrest and prosecute the men he had identified as suspects were rife with misconduct. Even if these allegations are true, Walker states no cognizable constitutional claim against the defendants because he has no protected interest in having another person prosecuted. See *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 768 (2005); see also *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189, 195 (1989) (“[N]othing in the language of the Due Process Clause itself requires the State to protect the life, liberty, and property of its citizens against invasion by private actors.”); *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (“[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.”). Also, there is no constitutional right to an investigation. Mitchell

v. McNeil, 487 F.3d 374, 378 (6th Cir. 2007).

Thus, the district court properly dismissed Walker's federal constitutional claims. Having dismissed those federal claims before trial, however, the district court should have declined supplemental jurisdiction over Walker's state-law claims and dismissed those claims without prejudice. *Kowall v. Benson*, 18 F.4th 542, 549 (6th Cir. 2021); *Musson Theatrical, Inc. v. Fed. Express Corp.*, 89 F.3d 1244, 1254-55 (6th Cir. 1996). We therefore vacate the district court's dismissal of Walker's state-law claims with prejudice.

Finally, because Walker did not file a copy of his proposed amended complaint, the district court did not abuse its discretion in denying Walker leave to amend. See *Warman v. Mount St. Joseph Univ.*, 144 F.4th 880, 899 (6th Cir. 2025).

For these reasons, we AFFIRM the district court's judgment dismissing Walker's federal constitutional claims with prejudice, VACATE the district court's judgment

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dismissing Walker's state- law claims with prejudice, and REMAND this case to the district court with instructions to dismiss the state-law claims without prejudice. We DENY Walker's motions to supplement the record as moot.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens, Clerk

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No. 25-3625

**UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT**

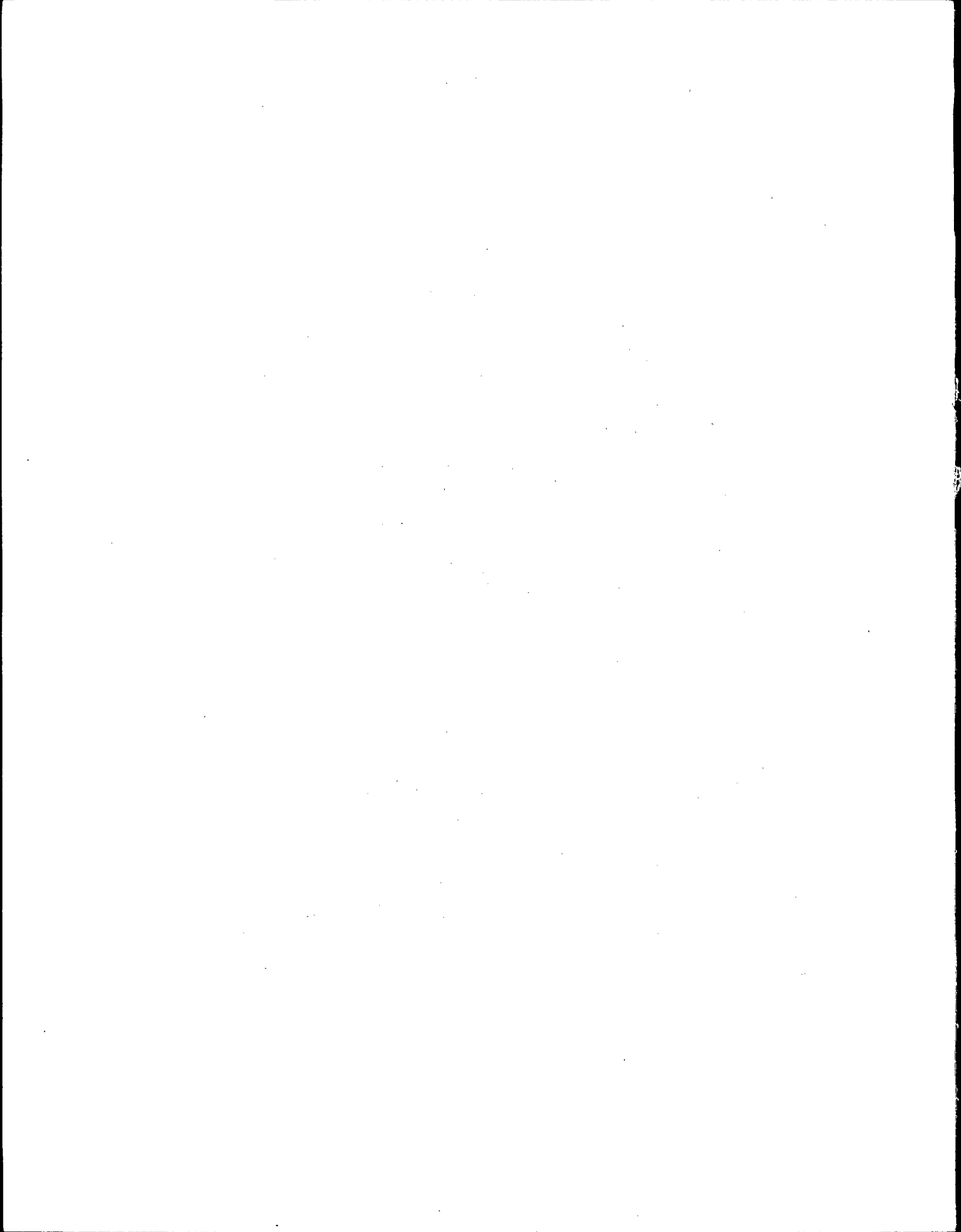
WILLIE M. WALKER	)	
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Plaintiff-Appellant,	)	ON APPEAL FROM
	)	THE UNITED STATES
v.	)	DISTRICT COURT
	)	FOR THE SOUTHERN
	)	DISTRICT OF OHIO
COLUMBUS DIVISION)		
OF POLICE, et al.,	)	
	)	
Defendants-Appellees.	)	

O R D E R

Before: CLAY, KETHLEDGE, and MATHIS,
Circuit Judges.

Entered on Mar. 10, 2026

Pro se Ohio plaintiff Willie M. Walker



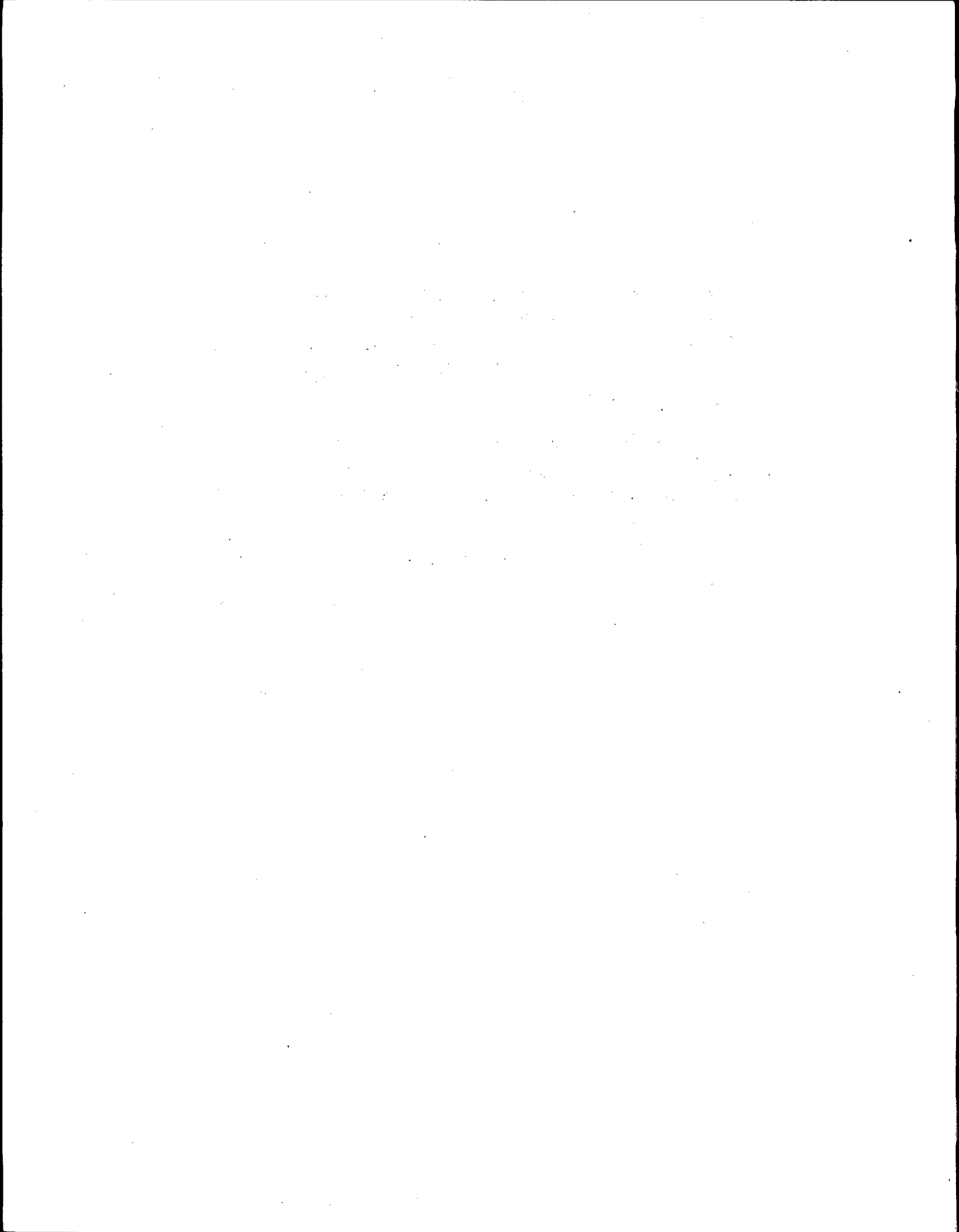
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petitions for a panel rehearing of our order of February 24, 2026, affirming in part and vacating in part the district court's judgment dismissing his 42 U.S.C. § 1983 complaint for failure to state a claim.

We DENY Walker's petition because he has not cited any misapprehension of law or fact that would alter our prior decision. See Fed. R. App. P. 40(b)(1)(A).

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens, Clerk



Willie M. Walker, proceeding *pro se*, filed this action against the Columbus Division of Police ("CPD"), City of Columbus, Franklin County Prosecutor's Office, Franklin County Coroner's Office, and individual employees of those agencies,

alleging that they failed to properly investigate the death of his son and prosecute the potential suspects involved. The Franklin County Defendants¹ and City Defendants² filed their separate Motions to Dismiss.

I. FACTUAL BACKGROUND

On October 16, 2015, Mr. Walker's son, Vonmason Walker, sustained a gunshot wound to his head, killing him. This suit

¹ Franklin County Prosecutor's Office, Franklin County Coroner's Office, and Janet Grubb (First Assistant Prosecuting Attorney) collectively filed three identical Motions to Dismiss (ECF Nos. 12-14), raising the same arguments for dismissal. Though Dr. Kent Harshbarger (Franklin County Coroner) originally joined in those Motions, Mr. Walker has voluntarily dismissed him. (ECF No. 23).

² The City Defendants are the City of Columbus, CPD, Detective Robby Warnick, Detective Robert Wachalec, Sergeant Terry McConnell, Detective Michelle Henry, Detective Gary Cooper, Detective Raymond Guman, Sergeant Strayer, Lieutenant Smith, Sergeant Roy Lisath, Commander Michael Gray, Deputy Chief Becker, Chief Kim Jacobs, Chief Quinlan, Interim Chief Michael Woods, Commander Dinner, Kate Pishotti, Robert Clark, Assistant Chief Lashanna Potts, 12(b)(6). (ECF Nos. ECF Nos. 12-15.) For the reasons below, the Motions are GRANTED.

hold the actors involved accountable. This case is tragic. And the succeeding investigation into Vonmason's death certainly raises more questions than it answers. But the Court is duty-bound to apply the law as it stands to the facts as they are. It endeavors to do so here.

When considering a motion to dismiss, the Court construes the factual allegations in the light most favorable to plaintiff. See *Gavitt v. Born*, 835 F.3d 623, 639–40 (6th Cir. 2016).

Following Vonmason's death, CPD detectives, including Detective Warnick and Detective Wachalec, investigated the case. (Compl., ¶ 2; ECF Doc. 1-1, PAGEID # 9–10.)

Despite the overwhelming evidence of foul play, the CPD detectives initially determined that the cause of death was a suicide, and, later, accidental. (*Id.*, ¶ 13.)

In Mr. Walker's view, the CPD failed to

properly investigate his son's death. (*Id.*, ¶ 2.) He alleges that Detective Wachalec deleted an incriminating text message that a potential suspect sent to Vonmason. (Compl., ¶ 27; ECF Doc. 1-1, PAGEID # 9-11.) ¶ 2.) Moreover, Detective Warnick changed a witness statement, and failed to follow up on leads. (*Id.*, PAGEID # 9-10.)

Given his dissatisfaction with CPD's investigation, Mr. Walker hired several private investigation firms to uncover the truth. In or around July 2016, Mr. Walker's private investigator interviewed a witness that provided critical evidence suggesting Vonmason was murdered – she identified three potential suspects, and alleged that those potential suspects had manipulated the crime scene to appear like a suicide. (*Id.*, ¶ 28; ECF Doc. 1-1, PAGEID # 15.) The witness retreated from the case due to aggressive treatment by CPD. (*Id.*, ¶ 28.) According to Mr. Walker, “five independent investigations concluded that Vonmason was murdered, and that the crime scene was

staged to look like an accidental shooting.” (*Id.*, ¶ 34.) His private investigators presented their findings to the Franklin County Coroner, Dr. Harshbarger. (*Id.*, ¶ 14.) Subsequently, in or around November 2016, Dr. Harshbarger changed Vonmason’s cause of death to homicide. (*Id.*; ECF Doc. 1-1, PAGEID # 26.)

Despite the evidence suggesting that Vonmason was murdered, the Franklin County Prosecutor’s Office failed to prosecute anyone. Indeed, on December 1, 2022, Ms. Grubb informed Mr. Walker that Vonmason’s case was not prosecutable, finding that it lacked sufficient evidence to proceed against any of the potential suspects. (ECF No. 24, PAGED # 639).

II. PROCEDURAL BACKGROUN D

Mr. Walker now asserts five claims against all of the Defendants: 1) violation of the Fourth, Fifth, and Fourteenth Amendment under 42 U.S.C. § 1983, 2)

wrongful death, 3) obstruction of justice,³ 4) intentional infliction of emotional distress, and 5) negligence. (Compl.) He also brings a municipality liability § 1983 claim against the City of Columbus and the Franklin County Prosecutor's Office. (*see Id.*) In response to the Motions to Dismiss, Mr. Walker opposed the Motions and requested leave to amend his Complaint to cure any deficiencies. (ECF Nos. 16, 22).

III. MOTIONS TO DISMISS

A. Standard of Review

Federal Rule of Civil Procedure 8(a) requires a plaintiff to plead each claim with sufficient specificity to "give the defendant fair notice of what the claim is and the grounds upon which it rests." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (internal alteration and

³ In response to the City Defendants' Motion to Dismiss, Mr. Walker conceded that obstruction of justice is a criminal offense under Ohio and federal law, not a private cause of action. (Reply, ECF No. 22, PAGEID # 618.) Accordingly, Mr. Walker's obstruction of justice claim is DISMISSED.

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quotations omitted). A complaint which falls short of the Rule 8(a) standard may be dismissed if it fails to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). The Supreme Court has explained:

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a probability requirement, but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and plausibility of entitlement to relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal citations and quotations omitted). The complaint need not contain detailed factual

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allegations, but it must include more than labels, conclusions, and formulaic recitations of the elements of a cause of action. *Directv, Inc. v. Treesh*, 487 F.3d, 471, 476 (6th Cir. 2007).

“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 555). In ruling on a 12(b)(6) motion, a court “may consider the Complaint and any exhibits attached thereto, public records, items appearing in the record of the case and exhibits attached to defendant’s motion to dismiss so long as they are referred to in the Complaint and are central to the claims contained therein.” *Bassett v. NCAA*, 528 F.3d 426, 430 (6th Cir. 2008).

These standards apply equally when the plaintiff is *pro se*. Although a *pro se* litigant is entitled to a liberal construction of his pleadings and filings, he still must do more than assert bare legal conclusions, and the “complaint must contain either direct or inferential allegations respecting all the

material elements to sustain a recovery under some viable legal theory.” *Mezibov v. Allen*, 411 F.3d 712, 716 (6th Cir. 2005).

B. Analysis

The Defendants move for dismissal of Mr. Walker’s Complaint for three reasons (among other things): 1) *sui juris* and immunity, 2) statute of limitations, and 3) failure to state a claim upon which relief can be granted. (ECF Nos. 12–15.) Their first two arguments are dispositive.

1. *Sui Juris* and Absolute Immunity

The Defendants argue that the Franklin County Coroner’s Office, Franklin County Prosecutor’s Office and CPD are incapable of being sued because they are not *sui juris*. (ECF Nos. 12–15.) They are correct. *See Miller v. Ohio*, No. 2:22-CV-1712, 2022 WL 4779804, at *3 (S.D. Ohio Oct. 3, 2022) (Morrison, J.) (finding that the Delaware County Prosecutor’s Office and

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City of Hilliard's Police Division are not *sui juris*.) (citations omitted).

In addition, the Franklin County Defendants argue that Ms. Grubb is immune from suit. In fact, even though she refused to prosecute the potential suspects in Vonmason's death, Ms. Grubb is entitled to prosecutorial immunity because she was acting in her capacity as a prosecutor. The Sixth Circuit explains that "[p]rosecutors are entitled to absolute immunity for conduct 'intimately associated with the judicial phase of the criminal process.'" *Manetta v. Macomb Cty. Enft Team*, 141 F.3d 270, 274 (6th Cir. 1998) (quoting *Imbler v. Pachtman*, 424 U.S. 409, 430, 96 S. Ct. 984, 47 L. Ed. 2d 128 (1976)). This includes "[a] prosecutor's decision to file a criminal complaint and seek an arrest warrant and the presentation of these materials to a judicial officer." *Manetta*, 141 F.3d at 274 (quoting *Ireland v. Tunis*, 113 F.3d 1435, 1446 (6th Cir.), cert. denied, 139 L. Ed. 2d 401, 118 S. Ct. 560, 522 U.S. 996 (1997)).

Accordingly, the Franklin County Defendants' Motion to Dismiss is **GRANTED**. To the extent that the City Defendants seek dismissal of CPD, the Motion is **GRANTED**. The Franklin County Coroner's Office, Franklin County Prosecutor's Office, CPD, and Ms. Grubb are **DISMISSED**.

2. Statute of Limitations

City Defendants also argue that Mr. Walker's claims are barred by the statute of limitations. Ohio's two-year general statute of limitations contained in Ohio Revised Code § 2305.10 applies to § 1983 actions arising in Ohio. *Banks v. City of Whitehall*, 344 F.3d 550, 553-54 (6th Cir. 2003); *Collyer v. Darling*, 98 F.3d 211, 220 (6th Cir. 1996). The statute of limitations for intentional infliction of emotional distress and negligence claims is four-years. Ohio Rev. Code Ann. § 2305.09; *see also Cleavenger v. B.O.*, 184 N.E.3d 968, 975-976 (Ohio Ct. App. 2022) (statute of limitations for intentional infliction emotional distress is

ordinarily four years). A wrongful death action has a two-year statute of limitations. Ohio Rev. Code Ann. § 2125.02(F)(1).

“[Because] Ohio’s statute of limitations applies to § 1983 claims, so does its tolling statute, unless the result is inconsistent with federal law.” *Michelle R. v. Village of Middleport*, No. 2:19-CV-2272, 2019 WL 4452678, at *3 (S.D. Ohio Sep. 17, 2019) (Sargus, J.). “Under Ohio law, the statute of limitations for § 1983 claims may only be tolled when—at the time the cause of action accrued—the plaintiff was either a minor or was ‘of unsound mind.’” *Id.* (citing Ohio Rev. Code § 2305.16). Yet, federal law governs when a cause of action accrues, and when the statutory period begins to run. *Bishop v. Children’s Ctr. for Developmental Enrichment*, 618 F.3d 533, 536 (6th Cir. 2010). “And that accrual occurs ‘when the plaintiff knows or has reason to know of the injury which is the basis of his action.’” *Jones v. City of Cincinnati*, No. 1:22-CV-530, 2024 WL 707288, at *9 (S.D. Ohio Feb.

21, 2024) (Cole, J.) (internal citation omitted).

Taking the factual allegations raised in the Complaint as true, Mr. Walker's claims are time-barred. He knew or should have known about the alleged mishandled police investigation after his private investigators uncovered the foul play in or around July 2016. So Mr. Walker had until July 2018 to bring his § 1983, *Monell*, and wrongful death claims and July 2020 to bring his negligence and intentional infliction of emotional distress claims. The Complaint was filed on February 18, 2025.

In his opposition, Mr. Walker argues that the discovery rule and the doctrine of equitable tolling save his claims. But neither theory is availing.

a) *Discovery Rule*

"As a general matter, the statute of limitations begins to run when the plaintiff has a 'complete and present cause of action.'" *Reed v. Goertz*, 598 U.S. 230, 235-36, 143 S.

Ct. 955, 215 L. Ed. 2d 218 (2023) (quoting *Bay Area Laundry & Dry Cleaning Pension Trust Fund v. Ferbar Corp. of Cal.*, 522 U.S. 192, 201, 118 S. Ct. 542, 139 L. Ed. 2d 553 (1997)). “[T]he discovery rule begins once a plaintiff learns of an injury from the defendant’s conduct—even if the plaintiff does not discover the full extent of the injury until later.” *Shelton v. Cuyahoga Metro. Hous. Auth.*, 1:23-CV-483, 2024 WL 4336371, at *5 (N.D. Ohio Sept. 27, 2024) (quoting *Reguli v. Russ*, 109 F.4th 874, 883 (6th Cir. 2024)).

The discovery rule does not extend the date that Mr. Walker’s statute of limitations period began to run. According to Mr. Walker, Defendants’ misconduct continued to unfold over time, and he did not know the full scope of his injury until December 2022. He alleges that the CPD detectives concealed evidence such that he was delayed in discovering his injury until after all the private investigators ended their investigations; and, on December 1, 2022, Ms. Grubb declined to prosecute any suspects

in connection with Vonmason's death. But the discovery rule does not allow Mr. Walker to wait until he has discovered the full extent of the alleged misconduct by the Defendants. Rather, the statute of limitations accrues when he knew that there was an injury – in this case, the significant misconduct and foul play that was uncovered by his private investigators as early as July 2016.

b) Equitable Tolling

Ohio's tolling rules apply to § 1983 claims as long as they are not inconsistent with federal law or policy. *Jones*, 2024 WL 707288, at *10. In Ohio, "equitable tolling is only available in compelling cases which justify a departure from established procedure." *Roach v. Vapor Station Columbus, Inc.*, No. 21AP-511, 2022 WL 2211529, at *2 (Ohio Ct. App. June 21, 2022) "A litigant seeking equitable tolling must demonstrate he diligently pursued his rights, but some extraordinary circumstance ... prevented timely action." *Id.* "The doctrine is generally limited to circumstances in which a litigant is

intentionally misled or tricked into missing the filing deadline." *Id.* (citation omitted).

The equitable tolling doctrine does not apply here. Mr. Walker does not explain how he was intentionally misled or tricked into missing the filing deadlines for his claims. Even accepting as true his allegations that some Defendants concealed evidence and threatened witnesses, none of these factual allegations took place in the four years prior to Mr. Walker initiating this lawsuit.

Thus, Mr. Walker's claims are barred by the statute of limitations. The City Defendants' Motion to Dismiss is **GRANTED**.

IV. MOTION FOR LEAVE TO AMEND THE COMPLAINT

In the event the Court found any deficiencies in his Complaint, Mr. Walker seeks leave to amend the Complaint. Under Federal Rule of Civil Procedure 15(a)(2), the

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Court should give leave for a party to amend its pleading “when justice so requires.” “The thrust of Rule 15 is to reinforce the principle that cases should be tried on their merits rather than the technicalities of pleadings.” *Tefft v. Seward*, 689 F.2d 637, 639 (6th Cir. 1982) (citations omitted); *Oleson v. United States*, 27 F. App’x 566, 569 (6th Cir. 2001) (internal quotations omitted) (noting that courts interpret the language in Rule 15(a) as conveying “a liberal policy of permitting amendments to ensure the determination of claims on their merits”). “Nevertheless, leave to amend ‘should be denied if the amendment is brought in bad faith, for dilatory purposes, results in undue delay or prejudice to the opposing party, or would be futile.’” *Carson v. U.S. Off. of Special Counsel*, 633 F.3d 487, 495 (6th Cir. 2011) (quoting *Crawford v. Roane*, 53 F.3d 750, 753 (6th Cir. 1995)). A court may deny leave to amend as futile if the amendment could not withstand a motion to dismiss. *Riverview Health Inst. LLC v. Med. Mut. of Ohio*, 601 F.3d 505, 512 (6th Cir. 2010); *Midkiff v. Adams Cty. Reg’l*

Water Dist., 409 F.3d 758, 767 (6th Cir. 2005).

The Court finds that allowing Mr. Walker leave to amend his Complaint would be futile. In his opposition to the Motions, Mr. Walker explains that his amendment would address the procedural issues. (ECF No. 22, PAGEID # 621.) But he cannot overcome the statute of limitations bar on his claims.

Accordingly, Mr. Walker's Motion for Leave to Amend the Complaint (ECF No. 22) is **DENIED** as futile.

V. CONCLUSION

The Franklin County Defendants' Motions to Dismiss (ECF Nos. 12-14) and City Defendants' Motion to Dismiss (ECF No. 15) are **GRANTED**.

Mr. Walker's Motion for Leave to Amend the Complaint (ECF No. 22) is **DENIED**.

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Mr. Walker's Motion for Summary Judgment (ECF No. 27) and Motion to Correct a Mistake (ECF No. 34) are **DENIED** as moot.

The Clerk is **DIRECTED** to terminate this case on the docket.

IT IS SO ORDERED.

/s/ Sarah D. Morrison

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIE M. WALKER)
)
Plaintiff-Appellant,)
v.)
)
)
COLUMBUS DIVISION))
OF POLICE, et al.,)
)
Defendants-Appellees.)

COMPLAINT

1. COMES NOW Plaintiff WILLIE WALKER, and files this action against Defendants COLUMBUS DIVISION OF POLICE, FRANKLIN COUNTY PROSECUTOR'S OFFICE, FRANKLIN COUNTY CORONER'S OFFICE, CITY OF COLUMBUS, ROBBY WARNICK, ROBERT WACHALEC, TERRY MCCONNELL,

**Additional material
from this filing is
available in the
Clerk's Office.**