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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

NOEL CEDENO,

Petitioner,

VS.

MICHELLE MILLER, Warden

Respondent.

CASE NO. 15-CV-1251 OPINION AND ORDER

[Resolving Docs. 1, 7]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On June 22, Petitioner Noel Cedeno filed a habeas corpus petition under 28 U.S.C. § 2254. On January 26, 2016, Magistrate Judge White recommended that the Court dismiss Petitioner Cedeno's petition as time-barred. Objections to Magistrate Judge White's Report and Recommendation were due by February 9, 2016. Petitioner Cedeno has not filed objections to the Report and Recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.³

Absent objection, a district court may adopt the Report and Recommendation without review.⁴

Because no party has objected to the Report and Recommendation, this Court may adopt the Report and Recommendation without further review. Moreover, having conducted its own review of the petition and record, the Court agrees with the conclusions in the Report and Recommendation.

³ 28 U.S.C. § 636(b)(1).

¹ Doc. <u>1</u>. Respondent moved to dismiss. Doc. 7.

² Doc. <u>11</u>.

⁴ Thomas v. Arn, 474 U.S. 140, 149 (1985); L.R. 72.3(b).

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Accordingly, the Court **ADOPTS** Magistrate Judge White's Report and Recommendation and incorporates it fully herein by reference. The Court **DENIES** Petitioner's habeas petition.

IT IS SO ORDERED.

Dated: February 26, 2016 s/ James S. Gwin

JAMES S. GWIN UNITED STATES DISTRICT JUDGE