PEARSON, J.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

)
) CASE NO. 1:15CV01352
)
)
) JUDGE BENITA Y. PEARSON
)
) MEMORANDUM OF OPINION AND
ORDER

Pro se Petitioner Patrick Minefee filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1), alleging two grounds for relief which challenge the constitutional sufficiency of his conviction for: kidnapping, attempted murder, felonious assault, aggravated robbery, discharging a firearm on or near a prohibited premises, carrying a concealed weapon, improperly handling a firearm in a motor vehicle, and tampering with evidence. All charges carried weapon forfeiture specifications, and all but the final three charges carried one and three-year firearm specifications. Petitioner plead guilty to all charges and entered a negotiated plea deal. His attempt to later withdraw his plea was denied. The trial court imposed a jointly recommended sentence of 19.5 years incarceration.

On July 30, 2015, the case was referred to Magistrate Judge Greg White for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). On

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December 7, 2015, the magistrate judge submitted a report and recommendation (ECF No. <u>16</u>) recommending that the petition be dismissed as time barred.

Fed. R. Civ. P. 72(b)(2) provides that objections to a report and recommendation must be filed within 14 days after service. Petitioner filed a motion for extension of time until January 25, 2016 to file objections (ECF No. 17). The Court granted the motion. Petitioner has not filed any objections to the magistrate judge's report and recommendation. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn.*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Accordingly, the Court hereby adopts the magistrate judge's Report and Recommendation. Petitioner Patrick Minefee's Petition for a Writ of Habeas Corpus is dismissed as time barred. Petitioner's motion for leave to amend the petition (ECF No. 12) is granted. Petitioner's motion to compel production of the transcripts (ECF No. 13) is denied as moot. Petitioner's motion for leave to file a reply *instanter* to Respondent's reply (ECF No. 15) is granted.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of

¹ Under <u>Fed. R. Civ. P. 6(d)</u>, three days must be added to the fourteen-day time period because Petitioner was served the Magistrate Judge's Report by mail. *See <u>Thompson v.</u> Chandler*, 36 Fed. Appx. 783, 784 (6th Cir. 2002).

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appealability. 28 U.S.C. § 2253(c); Fee	d. R. App. P. 22(b).	
IT IS SO ORDERED.		
February 29, 2016 Date	/s/ Benita Y. Pearson Benita Y. Pearson	

United States District Judge