

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

ANTWAINE L. JONES,)	CASE NO. 3:16 CV 849
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>OPINION AND ORDER</u>
)	
MARK HOOKS, Warden,)	
)	
Respondent.)	

This case is before the Court on the Report and Recommendation of Magistrate Judge Thomas M. Parker (“R&R”). (**Doc #: 14.**) The Magistrate Judge recommends that the Court dismiss the Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by Petitioner Antwaine L. Jones because his claims are procedurally defaulted, not cognizable on federal habeas review, and/or lack merit (“§ 2254 Petition”). (**Doc #: 1.**)

Specifically, Petitioner has raised 11 Grounds for Relief in his § 2254 Petition. The Magistrate Judge has found that Ground 1 is procedurally defaulted; he has recommended that the Court dismiss Grounds 2, 3, 7 and 8 on the merits; he has found that Grounds 5, 6, 9 and 10 are not cognizable on federal habeas review; and he has concluded that Grounds 4 and 11 are not cognizable on federal habeas review and/or lack merit. The Magistrate Judge has also recommended that the Court deny a certificate of appealability.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of

the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1) (emphasis added). In this case, the R&R was issued on August 23, 2017, and it is now September 22, 2017. Thirty days have elapsed since the R&R was issued, and Petitioner has filed neither objections nor a request for an extension of time to file them.

The failure to timely file written objections to an R&R constitutes a waiver of a *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Despite the lack of objections, the Court has reviewed the Magistrate Judge's thorough, well-written R&R, agrees with the Magistrate Judge's findings, and **ADOPTS** the Magistrate Judge's recommended rulings (**Doc #: 14**). Accordingly, the Court hereby **DISMISSES WITH PREJUDICE** the § 2254 Petition (**Doc #: 1**).

IT IS SO ORDERED.

/s/ Dan A. Polster September 22, 2017
Dan Aaron Polster
United States District Judge