

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ZABE JOHN JENKINS,	)	
	)	CASE NO. 5:10cv1151
Petitioner,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
KEITH SMITH, <i>et al.</i> ,	)	
	)	<b><u>MEMORANDUM OF OPINION AND</u></b>
Respondent.	)	<b><u>ORDER</u></b> [Regarding <a href="#">ECF No. 29</a> ]

On November 30, 2012, Magistrate Judge Baughman, Jr. issued a Report recommending *pro se* Petitioner Jenkins' amended petition be dismissed in part and denied in part. [ECF No. 29](#).

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. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a report and recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. Pro. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court may adopt a magistrate judges report without review. See [Thomas, 474 U.S. at 149](#).

In the instant case, objections were due by December 14, 2012. Petitioner has not filed an objection. The Court finds that the Report is supported by the record, and agrees with the magistrate judge's recommendation.

(5:10cv1151)

Accordingly, the Court adopts the magistrate judge's Report and Recommendation ([ECF No. 29](#)) and dismisses in part and denies in part Petitioner Jenkins' petition ([ECF Nos. 1; 6](#)). 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 appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. Pro. 22\(b\)](#).

IT IS SO ORDERED.

December 27, 2012  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge