

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Dean A. Small,

Petitioner,
v.

Case No. 2:09-cv-712

Warden, Ross Correctional
Institution,

Judge Michael H. Watson

Respondent.

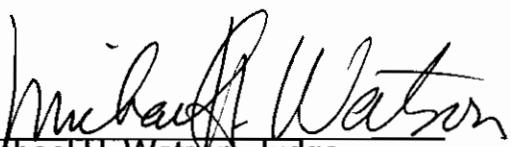
OPINION AND ORDER

On October 23, 2009, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that petitioner's "Motion for Enlargement of Time to File Federal Habeas Corpus" be denied. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Petitioner indicates that he is without legal training and innocent of the charges against him. See Doc. No. 5.

Pursuant to 28 U.S.C. §636(b), this Court has conducted a *de novo* review. As discussed in the Magistrate Judge's *Report and Recommendation*, this Court is without the authority to grant an extension of time to file a federal habeas corpus petition. Petitioner must comply with the provisions of 28 U.S.C. 2244(d). Therefore, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**.

Petitioner Small is ORDERED to file an amended petition for writ of habeas corpus that complies with the requirements of 28 U.S.C. 2244(d) within thirty (30) days of the date of this Order.

IT IS SO ORDERED.


Michael H. Watson, Judge
United States District Court