

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

RONALD WADE,	:	
	:	
Petitioner,	:	Case No. 3:07-cv-346
	:	
v.	:	JUDGE WALTER HERBERT RICE
	:	
WARDEN, LEBANON	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	
	:	

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. #10) IN THEIR ENTIRETY, OVERRULING PETITIONER’S OBJECTIONS TO REPORT AND RECOMMENDATIONS (DOC. #19); DISMISSING PETITION WITH PREJUDICE; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*, TERMINATION ENTRY¹

Based on the reasoning and citations of authority set forth in the Report and Recommendations of the United States Magistrate Judge, filed November 10, 2009 (Doc. #10), as well as on a thorough *de novo* review of this Court’s file and the

¹The Magistrate Judge’s Report and Recommendations were previously adopted by this Court, see Doc. #13, after the Court erroneously concluded that no objections had been filed in timely fashion. In her Supplemental Report and Recommendations, Doc. #17, the Magistrate Judge, noting this error, vacated this Court’s prior judgment, ordered the Objections to be separately filed, see Doc. #19. This Court has thoroughly considered those Objections in rendering its decision herein.

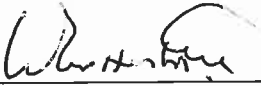
applicable law, said judicial filing is adopted in its entirety. Petitioner's objections (Doc. #19) are overruled, and his Petition for a Writ of Habeas Corpus is dismissed with prejudice on all three grounds for relief.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner, dismissing petition for writ of habeas corpus with prejudice on all grounds.

This case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 19, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to: Petitioner
Counsel for Respondent