

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

JEREMY C. DOTSON,

Petitioner,

vs.

TIMOTHY BRUNSMAN, WARDEN,

Respondent.

:

:

Case No. 3:09cv046

:

JUDGE WALTER HERBERT RICE

:

DECISION AND ENTRY ADOPTING INITIAL (DOC. #3) AND SUPPLEMENTAL (DOC. #5) REPORTS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE; PETITIONER'S OBJECTIONS TO SAID JUDICIAL FILINGS (DOCS. #4 AND #6) OVERRULED; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER, DISMISSING THE PETITION FOR WRIT OF HABEAS CORPUS, WITH PREJUDICE, AS BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS AND AS PROCEDURALLY DEFAULTED; LEAVE TO APPEAL *IN FORMA PAUPERIS* DENIED; CERTIFICATE OF APPEALABILITY DENIED; TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge in his Initial (Doc. #3) and Supplemental (Doc. #5) Reports and Recommendations, as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Reports and Recommendations are adopted in their entirety. The Petitioner's Objections to said judicial filing (Docs. #4 and #6) are overruled. The Petition for Writ of Habeas Corpus is dismissed, with prejudice, as

barred by the applicable statute of limitations and as procedurally defaulted.

Given that any appeal from this Court's Decision herein would be objectively frivolous, this Court denies leave to appeal *in forma pauperis*. Moreover, given that Petitioner has failed to make a substantial showing of a denial of a constitutional right and that reasonable jurists would not disagree with the Court's conclusion herein, Petitioner is denied a Certificate of Appealability.

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

/s/ Walter Herbert Rice

March 30, 2009

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

George A. Katchmer, Esq.