

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

JUWAN C. DILLARD,

Petitioner,

vs.

WARDEN, PIQUA CORRECTIONAL
INSTITUTION,

Respondent.

:

:

Case No. 3:09cv51

:

JUDGE WALTER HERBERT RICE

:

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. #9) IN THEIR ENTIRETY AND OVERRULING PETITIONER'S OBJECTIONS THERETO (DOC. #11); JUDGMENT TO BE ENTERED IN FAVOR OF RESPONDENT AND AGAINST PETITIONER HEREIN, DENYING PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS (DOC. #1) IN ITS ENTIRETY; CERTIFICATE OF APPEALABILITY AND ANTICIPATED MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS* DENIED; TERMINATION ENTRY

Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge, in her Report and Recommendations filed October 18, 2010 (Doc. #9), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety. The Petitioner's Objections to said judicial filing (Doc. #11) are overruled.

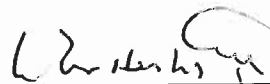
Given that Petitioner has failed to make a substantial showing of the denial of

a constitutional right and, further, that this Court's decision rendered herein would not be debatable among jurists of reason, this Court denies the Petitioner a certificate of appealability. Further, given that any appeal from this Court's decision would be objectively frivolous, this Court denies an anticipated motion for leave to appeal *in forma pauperis*.

Pursuant to the above, judgment will be ordered entered in favor of the Respondent and against Petitioner herein, denying Petitioner's petition for writ of habeas corpus (Doc. #1), as well as denying a certificate of appealability and an anticipated motion for leave to appeal *in forma pauperis*.

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.

September 21, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record