

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DIAHNTAE BELL, : Case No. 3:11-cv-135
 :
 Petitioner, : Judge Timothy S. Black
 : Magistrate Judge Michael R. Merz
vs. :
 :
WARDEN, Warren Correctional Institution, :
 :
 Respondent. :

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 4); (2) OVERRULING PETITIONER’S OBJECTIONS (Doc. 5); AND
(3) TERMINATING THIS CASE FROM THE DOCKET**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on April 25, 2011, submitted a Report and Recommendations. (Doc. 4). Subsequently, the Petitioner filed Objections to the Report and Recommendations. (Doc. 4).

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its

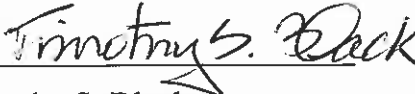
entirety; and Petitioner's Objections to the Report and Recommendations are overruled.¹

Accordingly:

1. The Report and Recommendations (Doc. 4) is **ADOPTED**;
2. The Petition is **DISMISSED WITH PREJUDICE**; and
3. This case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 5/31/11



Timothy S. Black
United States District Judge

¹ In the cases cited by Petitioner (*Drew v. Warden*, Case No. 2:10cv301 and *Candidate v. Warden*, Case No. 1:11cv61), the Petitions for Writ of Habeas Corpus were filed timely, unlike the instant case. At issue in *Drew* and *Candidate* was whether a petitioner could proceed on a petition for writ of habeas corpus without having filed it simultaneously with a motion for leave to proceed in forma pauperis or the filing fee. Accordingly, these cases are inapplicable to the case at bar.