

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

ROBERT HANCHER, IV,	:	Case No. 3:11-cv-319
Petitioner,	:	District Judge Walter H. Rice
v.	:	Magistrate Judge Michael J. Newman
WARDEN, WARREN	:	
CORRECTIONAL INSTITUTION,	:	
Respondent.	:	

**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATION (DOC. #22)
IN ITS ENTIRETY; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND
AGAINST PETITIONER HEREIN, DISMISSING PETITIONER'S PETITION FOR A
WRIT OF *HABEAS CORPUS* WITH PREJUDICE; DENYING CERTIFICATE OF
APPEALABILITY AND MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS*
WITH RESPECT TO ALL CLAIMS; TERMINATION ENTRY**

The Court has reviewed the June 3, 2013 Report and Recommendation of United States Magistrate Judge Michael J. Newman (Doc. #22), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b)(2) has expired, the Court adopts the aforesaid Report and Recommendation in its entirety.

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 on all claims and leave to proceed *in forma pauperis* on appeal.

The captioned 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: 8-28-13



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE