

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

<p>JAMES A. SIMPSON,</p> <p style="padding-left: 40px;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ED SHELDON, Warden, Toledo Correctional Institution,</p> <p style="padding-left: 40px;">Respondent.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>Case No. 3:12-cv-328</p> <p>JUDGE WALTER H. RICE</p>
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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #10) AND  
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #13) IN  
THEIR ENTIRETY; OVERRULING PETITIONER'S OBJECTIONS  
THERE TO (DOCS. #11 AND 15); DISMISSING PETITION FOR WRIT  
OF HABEAS CORPUS (DOC. #2) WITH PREJUDICE; DENYING  
CERTIFICATE OF APPEALABILITY AND ANTICIPATED MOTION FOR  
LEAVE TO PROCEED *IN FORMA PAUPERIS*; TERMINATION ENTRY

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Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his January 18, 2013, Report and Recommendations (Doc. #10), and his February 12, 2013, Supplemental Report and Recommendations (Doc. #13), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filings in their entirety, and overrules Petitioner's objections thereto (Doc. #11 and 15). The Petition for a Writ of Habeas Corpus (Doc. #2) is DISMISSED WITH PREJUDICE.

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.

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: March 14, 2013

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE