

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
(at Frankfort)

JEWELL ROBBINS,	)	
	)	
Petitioner,	)	Civil Action No. 3: 08-65-DCR
	)	
V.	)	
	)	
BILLY ROBERTS, Jailer, Franklin County	)	
Detention Center,	)	
	)	
Respondent,	)	
and	)	
	)	<b>MEMORANDUM OPINION</b>
COMMONWEALTH OF KENTUCKY,	)	<b>AND ORDER</b>
DEPARTMENT OF FINANCIAL	)	
INSTITUTIONS,	)	
	)	
Intervening Respondent.	)	

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This matter is before the Court for consideration of Petitioner Jewell Robbins’ petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. [Record No. 1] Consistent with local practice, this matter was referred to United States Magistrate Judge Edward B. Atkins for consideration pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge filed his Report and Recommendation on October 24, 2008. [Record No. 14] Based on his review of the record and the applicable law, the Magistrate Judge recommended that Robbins’ petition be denied because she has not exhausted all state remedies. The parties have not filed objections to the Magistrate Judge’s Report and Recommendation. However, on this date, Robbins filed a notice indicating that her

remaining sentence has been suspended by the Franklin Circuit Court and, as a result, the matter is now moot. [Record No. 15]

Although this Court must make a *de novo* determination of those portions of the Magistrate Judge's recommendations to which objection is made, 28 U.S.C. § 636(b)(1)(c), "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Moreover, a party who fails to file objections to a Magistrate Judge's proposed findings of fact and recommendation waives the right to appeal. *See Wright v. Holbrook*, 794 F.2d 1152, 1154-55 (6th Cir. 1986). Nevertheless, having examined the record and having made a *de novo* determination, the Court is in agreement with the Magistrate Judge's findings and recommendations.

Accordingly, it is hereby

**ORDERED** as follows:

1. The Magistrate Judge's Report and Recommendation [Record No. 14] is **ADOPTED** and **INCORPORATED** by reference.
2. Robbins petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 [Record No. 1] is **DENIED**.
3. This habeas proceeding shall be **DISMISSED** and **STRICKEN** from the docket.

This 12<sup>th</sup> day of November, 2008.



Signed By:

Danny C. Reeves DCR

United States District Judge