

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
**CENTRAL DIVISION at LEXINGTON**

|                        |   |                                     |
|------------------------|---|-------------------------------------|
| PHILLIP LICKLITER,     | ) |                                     |
|                        | ) |                                     |
| Plaintiff,             | ) |                                     |
|                        | ) | Civil Action No. 08-CV-313-JMH      |
| v.                     | ) |                                     |
|                        | ) |                                     |
| WARDEN LARRY CHANDLER, | ) | <b>MEMORANDUM OPINION AND ORDER</b> |
|                        | ) |                                     |
| Defendant.             | ) |                                     |

\*\*      \*\*      \*\*      \*\*      \*\*

This matter is before the Court on the Report and Recommendation of Magistrate Judge Robert E. Wier [Record No. 18]. Said action was referred to the magistrate for the purpose of reviewing the merit of Plaintiff Lickliter's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 [Record No. 1], in which he challenges his conviction in a Kentucky state court. Defendant filed an Answer and Memorandum in Opposition [Record No. 16] to the Petition. Defendant made no response thereto. In his thorough and well-articulated Recommended Disposition, the Magistrate Judge concludes that none of the thirteen grounds for relief submitted by Lickliter merit relief under 28 U.S.C. § 2254 and recommends that the Petition be dismissed and that no certificate of appealability should issue.

The Magistrate Judge's Report and Recommendation was entered in the record on September 15, 2011, advising Lickliter that particularized objections to same were due within fourteen days of

the date of service of the Report and Recommendation or further appeal would be waived. Fourteen days have now expired, and Lickliter has filed no objections.

Generally, "a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations made by the magistrate judge." 28 U.S.C. § 636. However, when the petitioner fails to file any objections to the Report and Recommendation, as in the case *sub judice*, "[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." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Consequently, this Court adopts the reasoning set forth in the Report and Recommendation as its own.

Accordingly, **IT IS ORDERED:**

(1) that the Recommended Disposition of Magistrate Judge Robert E. Wier [Record No. 17] is **ACCEPTED** and **ADOPTED**;

(2) that Lickliter's Petition for a Writ of Habeas Corpus [Record No. 1] is **DISMISSED**; and

(3) that no certificate of appealability shall issue.

This is the 6th day of October, 2011.



**Signed By:**

***Joseph M. Hood*** 

**Senior U.S. District Judge**