## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY SOUTHERN DIVISION LONDON

ERIC WHEELER,			)		
Petitioner,			)	Civ	il No. No. 13-58-ART
v.			)		
J.C. HOLLAND, WARDEN,			) )		ORDER
Respondent.			)		
	***	***	***	***	

Petitioner Eric Wheeler filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. R. 1. Magistrate Judge Candace J. Smith screened Wheeler's petition to determine whether it "plainly appear[ed] from the petition and any attached exhibits that [Wheeler] is not entitled to relief in the district court." R. Governing § 2254 and 2254 Cases 4. The Magistrate Judge recommended that this Court deny Wheeler's petition and deny a certificate of appealability. R. 8 at 9; *see also* R. Governing § 2254 and 2254 Cases 4 (requiring a court to dismiss a petition when the petitioner is plainly not entitled to relief). Wheeler did not file an objection to the Magistrate Judge's report and recommendation, and the time for him to file any objections has expired. 28 U.S.C. § 636(b); *see also* R. 8 at 9 (explaining that Wheeler had fourteen days to file an objection). Wheeler has therefore waived his right to object to the report and recommendation. *See Keeling v. Warden, Lebanon Corr. Inst.*, 673 F.3d 452, 458 (6th Cir. 2012).

Accordingly, it is **ORDERED** that:

- (1) This Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's report and recommendation, R. 8.
- (2) The petition for a writ of habeas corpus under 28 U.S.C. § 2254, R. 1, is **DENIED WITH PREJUDICE**.
- (3) A certificate of appealability shall not issue. See 28 U.S.C. § 2253(c).
- (4) The Clerk shall **STRIKE** this case from this Court's active docket.
- (5) This Court will enter a separate Judgment.

This the 13th day of June, 2013.

S <u>A</u>

Signed By:

Amul R. Thapar AT

**United States District Judge**