

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
**SOUTHERN DIVISION at LONDON**

TIMMIE D. COLE, SR.,	)	
	)	
Petitioner,	)	Civil Case No.
	)	6:17-cv-346-JMH-CJS
v.	)	
	)	<b>MEMORANDUM OPINION</b>
WARDEN J. RAY ORMOND,	)	<b>AND ORDER</b>
	)	
Respondent.	)	

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This matter comes before the Court on Petitioner Timmie D. Cole, Sr.'s Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. [DE 1]. This matter was referred to United States Magistrate Judge Candace J. Smith for initial scrutiny, and she has recommended dismissal of the Petition [DE 1]. [DE 5]. Although afforded the opportunity to do so, Cole has failed to object to Magistrate Judge Smith's Report and Recommendation [DE 5]. As stated in Magistrate Judge Smith's Report and Recommendation [DE 5], "Failure to make a timely objection consistent with [28 U.S.C. § 636(b)(1)] and [Rules Governing Section 2255 Proceedings for the United States District Courts, Rule 8(b)] may, and normally will, result in waiver of further appeal to or review by the District Judge and Court of Appeals." [DE 5, at 11-12 (citing *Thomas v. Arn*, 474 U.S. 140, 155 (1985);

*United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981)].  
Accordingly,

**IT IS ORDERED** as follows:

(1) United States Magistrate Judge Candace J. Smith's Report and Recommendation [DE 5] is **ACCEPTED** and **ADOPTED** in its entirety as the Opinion of the Court;

(2) Petitioner Timmie D. Cole, Sr.'s Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 [DE 1] is **DENIED**;

(3) This action is **DISMISSED** and **STRICKEN** from the Court's docket;

(4) No certificate of appealability shall issue; and

(5) Judgment shall be entered contemporaneously with the present Memorandum Opinion and Order.

This the 5th day of March, 2020.



**Signed By:**

Joseph M. Hood *JMH*

**Senior U.S. District Judge**