

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HENRY SMITH, JR.,)	CASE NO. 1:07cv2863
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER
)	
JULIUS WILSON, Warden,)	
)	
RESPONDENT.)	

On September 20, 2007, petitioner Henry Smith, Jr. (petitioner) filed a *pro se* Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 1.) The action was originally referred to Magistrate Judge David S. Perelman, was reassigned to Magistrate Judge Gregory A. White, and was reassigned, ultimately, to Magistrate Judge Benita Y. Pearson pursuant to Local Rule 72.2. In a Report and Recommendation dated February 23, 2009, Magistrate Judge Pearson recommended that petitioner's application for habeas corpus relief be denied because his claim was barred by the applicable statute of limitations. (Docket No. 11.)

Federal Rules of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but petitioner has failed to timely file any such objections. Therefore, the Court must assume that petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v.*

Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Therefore, Magistrate Judge Pearson's report and recommendation is hereby **ADOPTED** and petitioner's Writ of Habeas Corpus (Docket No. 1) is **DENIED**. Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: March 11, 2009



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE