

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LARRY COLLINS,	)	Case No. 1:09-CV-2427
	)	
Petitioner,	)	Judge Patricia A. Gaughan
	)	
vs.	)	
	)	
FRANK SHEWALTER, Warden,	)	REPORT AND RECOMMENDATION
	)	(Docket #11)
	)	
Respondent.	)	Magistrate Judge James S. Gallas

Petitioner, Larry Collins, moved for summary judgment on his habeas corpus petition due to Respondent's failure "to meet the deadline set by this court or request any other additional time to file its return writ." (Docket #11). As Mr. Collins noted, Respondent was, required to file his return by March 30, 2010. Respondent filed his return on March 30, 2010. *See* Docket #10.

Based on the foregoing, Petitioner's motion for summary judgment is moot and it is recommended that it be denied.

/s/ James S. Gallas  
James S. Gallas  
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of mailing of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. See *U.S. v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).

Dated: April 6, 2010