

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

DANNY BARB,)	Case No. 1:11 CV 563
)	
Petitioner,)	Judge Dan Aaron Polster
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
KIMBERLY CLIPPER,)	
)	
Respondent.)	

Before the Court in this matter is a document entitled “Appeal and Objection to Magistrate Order.” (Doc #: 25.) Therein, habeas petitioner Danny Barb objects to Magistrate Judge McHargh’s rulings denying Barb’s various motions to expand the record (Doc ##: 6, 8, 22), Barb’s motion for an evidentiary hearing (Doc #: 10), and motion for discovery (Doc #: 7). (Doc #: 24.) Barb does not object to the Magistrate Judge’s ruling denying his motion to appoint counsel.

Petitioner’s underlying motions involve non-dispositive matters. As such, Fed. R. Civ. P. 72(a) applies. Under Rule 72(a), “the district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” The Court has reviewed the underlying motions, the Magistrate Judge’s rulings, Barb’s timely objection and the record and finds that Barb has failed to show that any part of the Magistrate Judge’s rulings are clearly erroneous or contrary to law.

Accordingly, Barb's objection (**Doc #: 25**) is **OVERRULED**, and the Magistrate Judge's contested rulings (**Doc #: 24**) are **ADOPTED**.

IT IS SO ORDERED.

/s/ Dan A. Polster October 5, 2011

Dan Aaron Polster

United States District Judge