

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Sherron Alexander,

Case No. 1:11 CV 2262

Petitioner,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Richard Gansheimer, Warden,

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed August, 14, 2012 (Doc. 10). The R&R recommends this Court deny the Petition because Petitioner’s claims are barred by the AEDPA statute of limitations set forth in 28 U.S.C. § 2244(d), and because no tolling events occurred prior to the expiration of the limitations period on November 26, 2006 (Doc. 10 at 8–18).

Under 28 U.S.C. § 636(b)(1), a party must serve and file his written objections to the Magistrate’s proposed findings and recommendations within fourteen (14) days of being served with the R&R, at which time this Court makes a *de novo* determination of those portions of the R&R to which objections were made. The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. See *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

Petitioner’s deadline for filing objections was August 28, 2012. It is now September 5, 2012, and Petitioner has yet to file objections. The R&R accurately states the facts and law, and this Court adopts it in its entirety. Accordingly, the Petition is denied and this action is dismissed pursuant to

28 U.S.C. §2243. Further, because Petitioner has not made a substantial showing of the denial of a constitutional right, this Court finds there is no basis on which to issue a certificate of appealability.

28 U.S.C. § 2253.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

September 5, 2012