

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SENAD METOVIC,)	
)	CASE NO. 1:11CV2490
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
DANIEL C. McCLELLAND, <i>et al.</i> ,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondents.)	<u>ORDER</u> [Regarding ECF Nos. 3 and 9]

Before the Court is the Report and Recommendation of Magistrate Judge William H. Baughman, Jr. recommending that the State's motion dismiss Petitioner Metovic's petition for writ of habeas corpus filed pursuant to [28 U.S.C. § 2241](#) be granted, in part, and that the petition be dismissed without prejudice.¹ [ECF Nos. 1, 3, and 9](#).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt a magistrate judge's report without review. See [Thomas](#), 474 U.S. at 149.

In the instant case, neither party has filed objections to the Report and Recommendation

¹ The matter was referred to Magistrate Judge William H. Baughman, Jr. for the preparation of a Report and Recommendation on the petition for writ of habeas corpus pursuant to Local Rule 72.2.

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nor has either party requested an extension of time. The Court finds that the Report and Recommendation is supported by the record, and agrees with the recommendation to dismiss the instant petition, without prejudice, pursuant to [28 U.S.C. § 2243](#), and that, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), an appeal from this decision could not be taken in good faith.

Accordingly, the Court adopts Magistrate Judge William H. Baughman, Jr.'s Report and Recommendation. [ECF No. 9](#). Respondent's Motion to Dismiss ([ECF No. 3](#)) is granted, in part, and Petitioner Metovic's petition ([ECF No. 1](#)) is dismissed without prejudice. An appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

August 29, 2012
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge