

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Anthony D. Webb,)	CASE NO. 1:11CV2658
)	
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
vs.)	
)	
Scott Houk,)	
)	
)	
Respondent.)	MEMORANDUM OF OPINION AND ORDER
)	
)	

This action is before the Court upon objections filed by Petitioner Anthony Webb, asserting error in the Report and Recommendation (“the R&R”) of Magistrate Judge Kathleen Burke. The Court ADOPTS the R&R (Doc. 15) in its entirety. The Petition is DISMISSED.

Where objections are made to a magistrate judge’s R&R this Court must:

must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b)(3). The Court has reviewed *de novo* the R&R as it relates to Sowell’s objection. The objection lack merit.

The R&R concluded that Webb’s petition was untimely under the AEDPA’s statute of limitations. Webb’s objections appear to contend that he did not intend to challenge his original conviction, but instead sought to challenge the rulings on his post-conviction relief proceedings in the state court. However, the R&R properly concluded that once the AEDPA’s statute of limitations has run out, it cannot be revived through later, untimely filings. Webb has neither

argued, nor shown, any error in the law and reasoning of the R&R. Accordingly, his objections are overruled.

The Court hereby ADOPTS the Report and Recommendation in its entirety. Webb's Petition for Habeas Corpus is DISMISSED.

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. There is no basis on which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

October 23, 2012

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT COURT