

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

E'YEN CARNAIL,

Petitioner,

v.

MARGARET BRADSHAW,

Respondent.

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CASE NO. 1:12-cv-01042

OPINION & ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Petitioner E'Yen Carnail seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹

Under Local Rule 72.2(b), this case was automatically referred to a Magistrate Judge for a Report and Recommendation.² On June 8, 2021, Magistrate Judge William H. Baughman, Jr. issued a Report and Recommendation, recommending that this Court dismiss Carnail's habeas petition.³ Any objections to the Report and Recommendation were due on June 22, 2021.⁴ Neither party filed objections.

Because neither party objected, the Court could adopt the Report and Recommendation without review.⁵ Still, the Court reviewed the Report and Recommendation and agrees with Magistrate Judge Baughman that Carnail's habeas claims are procedurally defaulted under Ohio's *res judicata* doctrine.

¹ Doc. [1](#).

² [Local Rule 72.2\(b\)](#).

³ Doc. [54](#).

⁴ [28 U.S.C. § 636\(b\)\(1\)](#); [Local Rule 72.3\(b\)](#).

⁵ [See 28 U.S.C. § 636\(b\)\(1\)](#); [Thomas v. Arn](#), 474 U.S. 140, 149–53 (1985); [U.S. v. Walters](#), 638 F.2d 947, 949–50 (6th Cir. 1981).

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Consequently, the Court **ADOPTS** Magistrate Judge Baughman's Report and Recommendation and **DISMISSES** Carnail's petition. Further, the Court **DENIES** Carnail a certificate of appealability.⁶

IT IS SO ORDERED.

Dated: June 29, 2021

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ [28 U.S.C. § 2253.](#)