

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DALE P. FIELD, JR.,)	
)	CASE NO. 1:13CV1415
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
NEIL TURNER, Warden,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	[Resolving ECF No. 3]

Petitioner *pro se* Dale P. Field, Jr. filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) ([ECF No. 1](#)), alleging four grounds for relief which challenge the constitutional sufficiency of his conviction and sentence.

After the following motion was filed and served—

Petitioner's Motion for Default and Summary Judgment Pursuant to FRCP 55 and 56 ([ECF No. 3](#)),

the case was referred to Magistrate Judge Kathleen B. Burke pursuant to [Local Rule 72.2\(b\)\(2\)](#).

The Magistrate Judge has submitted a Report & Recommendation ([ECF No. 13](#)) recommending that the Court deny Petitioner's motion because the Return of Writ ([ECF No. 6](#)) is not untimely and a default judgment is relief that is unavailable in habeas corpus cases. [ECF No. 13 at PageID #: 315](#).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within fourteen (14) days after service. Objections to the Magistrate Judge's Report were,

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therefore, due on July 10, 2014.¹ Petitioner has not filed any objections, evidencing satisfaction with the Magistrate Judge's recommendation. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn, 728 F.2d 813 \(6th Cir. 1984\)](#), [aff'd, 474 U.S. 140 \(1985\)](#); [Howard v. Secretary of Health and Human Services, 932 F.2d 505 \(6th Cir. 1991\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#).

Accordingly, the Report & Recommendation ([ECF No. 13](#)) is hereby adopted.

Petitioner's Motion for Default and Summary Judgment Pursuant to FRCP 55 and 56 ([ECF No. 3](#)) is denied.

IT IS SO ORDERED.

July 15, 2014
Date

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

¹ Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Petitioner was served the Magistrate Judge's Report by mail. See [Thompson v. Chandler, 36 Fed. Appx. 783, 784 \(6th Cir. 2002\)](#).