

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DUANE GREGLEY,)	CASE NO. 1:14CV50
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
MARGARET BRADSHAW,)	
)	
Respondent.)	

Before the Court is the Report and Recommendation of Magistrate Judge George Limbert (“R & R”) (**Doc. # 7**). The R&R recommends that the Court dismiss as time-barred Petitioner Duane Gregley’s 28 U.S.C. § 2254 petition for writ of habeas corpus (“2254 Petition”)(**Doc. # 1**). The R&R also recommends that the Court deny as moot Gregley’s pending motion to expand the record (**Doc. # 3**).

Under 28 U.S.C. § 636(b)(1) a habeas petitioner has 14 days after being served a copy of the R&R to file written objections. A copy of the R&R was mailed to Petitioner on August 29, 2014. In this case, 21 days have elapsed since the R&R was issued, and Petitioner has filed neither an objection nor a request for an extension of time to file one.

Failure to file objections by the deadline constitutes a waiver of the right to obtain a de novo review of the R&R in the district court, United States v. Walters, 638 F.2d 947, 949 (6th Cir. 1981), and a waiver of the right to appeal. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff’d, 474 U.S. 140 (1985).

The Court has reviewed the Magistrate Judge's R&R and agrees that the 2254 Petition should be dismissed as time-barred and that the pending motion to expand the record should be denied as moot. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (**Doc. # 7**).

IT IS SO ORDERED.

/s/ Dan Aaron Polster September 19, 2014
Dan Aaron Polster
United States District Judge