

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RYAN DRIGGINS,)	
)	CASE NO. 1:14cv919
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
WARDEN LAZAROFF,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u> [Regarding ECF No. 14]

Pro se Petitioner Ryan Driggins filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) that asserted nineteen grounds for relief. [ECF No. 1](#). Respondent Warden Alan Lazaroff¹ filed a Return of Writ. [ECF No. 10](#). The case was referred to Magistrate Judge Kathleen B. Burke for preparation of a report and recommendation pursuant to [Local Rule 72.2\(b\)\(2\)](#). On September 28, 2015, the magistrate judge submitted a report and recommendation ([ECF No. 14](#)) recommending that the petition be dismissed in part and denied in part because a portion of Ground Five is procedurally defaulted, a portion of Ground Nineteen is not cognizable, and the remainder of Petitioner's grounds fail on the merits.

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

¹ The caption also lists Respondent as "Warden Lazaroff," but the correct spelling and appellation is "Alan Lazaroff, Warden." [ECF No. 10](#).

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due on October 15, 2015.² Petitioner has not filed any objections to the magistrate judge's report and 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. Sec'y of Health and Human Servs.](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949–50 (6th Cir. 1981).

Accordingly, the Court hereby adopts the magistrate judge's Report and Recommendation. The Petition for a Writ of Habeas Corpus ([ECF No. 1](#)) is dismissed in part and denied in part. 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, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

October 27, 2015
Date

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

² 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 F. App'x. 783, 784 (6th Cir. 2002).