

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PETER CONLON,)
)
 Petitioner,)
)
 vs.)
)
 BENNIE KELLY, Warden,)
)
 Respondent.)

CASE NO. 1:14CV1668
JUDGE JOHN R. ADAMS

ORDER AND DECISION

This matter is before the Court on objections filed by Petitioner, Peter Conlon, to the Magistrate Judge’s Report and Recommendation (“R & R”), which was filed on June 18, 2015. Doc. 10. For the following reasons, Petitioner’s objections are OVERRULED. This Court ADOPTS the R & R of the Magistrate Judge and DISMISSES the petition for habeas corpus filed pursuant to 28 U.S.C. §2254.

The R & R adequately states the factual and procedural background in this case. Conlon has demonstrated no error in that background, and as such, the Court will not reiterate that section herein.

I. STANDARD OF REVIEW

If a party files written objections to a magistrate judge’s report and recommendation a judge must perform a de novo review of “those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §636 (b)(1).

II. LAW AND ANALYSIS

It is undisputed that Conlon had until August 29, 2003, to file his federal habeas petition. Instead, Conlon waited more than 11 years to file. The Magistrate Judge properly determined that his petition is now time-barred.

Conlon articulates a single objection to the R&R. Doc. 14 at 5-6. He argues that the Magistrate Judge erred by failing to consider and analyze his claim for ineffective assistance of counsel. Doc. 14 at 5-6. Conlon then uses the remainder of his “objections” to reiterate the underlying substantive arguments of his petition.

In all of this, Conlon has offered no legal basis for extending the statute of limitations, and he has presented no error in the Magistrate Judge’s underlying decision. He seems to believe that the substantive arguments he has (which he allowed to languish for 11 years) constitute such a manifest injustice that he should be allowed to file his petition whenever he chooses. This argument is without merit. The Court finds that the R&R is correct and that Conlon has exceeded the statute of limitations.

III. CONCLUSION

This Court finds no merit to the objections raised by Petitioner Peter Conlon. Therefore, Conlon’s objections are **OVERRRULED**. The Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. The 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, and that there is no basis upon which to issue a certificate of appealability.

IT IS SO ORDERED.

DATE: September 28, 2015

/s/ John R. Adams
Judge John R. Adams
UNITED STATES DISTRICT COURT