

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TONY MALONE,	)	
	)	CASE NO. 1:15CV1652
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
MICHELLE MILLER,	)	
	)	
Defendant.	)	<b><u>MEMORANDUM OF OPINION AND ORDER</u></b> [Resolving <a href="#">ECF No. 11</a> ]

*Pro se* Petitioner Tony Malone filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. [ECF No. 1](#). Respondent Michelle Miller filed the Return of Writ. [ECF No. 9](#). Petitioner filed the Traverse to Return of Writ. [ECF No. 10](#). Over eight month's later, Petitioner filed a motion to withdraw his petition. [ECF No. 11](#). On November 3, 2016, Magistrate Judge Jonathan D. Greenberg issued a report ([ECF No. 16](#)) recommending the *pro se* Petitioner's Motion to Withdraw be denied.<sup>1</sup>

[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 due on November 20, 2016.<sup>2</sup> Petitioner has not filed any objections to the magistrate judge's report and

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<sup>1</sup> *Pro se* petitions for habeas corpus filed under 28 U.S.C. § 2254 are referred to a magistrate judge for preparation of a report and recommendation pursuant to [Local Rule 72.2\(b\)\(2\)](#).

<sup>2</sup> Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Plaintiff was served the Magistrate Judge's Report by mail. *See*

(continued...)

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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 adopts the magistrate judge's Report and Recommendation.

Petitioner's Motion to Withdraw ([ECF No. 11](#)) is denied.

IT IS SO ORDERED.

December 21, 2016  
Date

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

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<sup>2</sup>(...continued)

[Thompson v. Chandler, 36 F. App'x. 783, 784 \(6th Cir. 2002\)](#).