

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|-----------------------|---|-----------------------------------------|
| EMMETT RONNY, |) | |
| |) | CASE NO. 1:18CV1853 |
| Petitioner, |) | |
| |) | |
| v. |) | JUDGE BENITA Y. PEARSON |
| |) | |
| RONALD ERDOS, WARDEN, |) | |
| |) | |
| Respondent. |) | <u>MEMORANDUM OF OPINION AND</u> |
| |) | <u>ORDER</u> |

Petitioner Emmett Ronny filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254 \(ECF No. 1\)](#) alleging three grounds for relief. Each ground for relief challenges or purports to challenge the constitutionality of his conviction in the Cuyahoga County Court of Common Pleas. [Case No. CR-14-582463-B](#). A Cuyahoga County Grand Jury indicted Petitioner on one count of attempted murder, two counts of aggravated burglary, two counts of felonious assault, two counts of aggravated robbery, and one count of having weapons under disability, with each count carrying firearm and prior conviction specifications. [ECF No. 12-1 at PageID #: 62-71](#). The trial court found Petitioner guilty of having weapons under disability with the prior conviction specification after he waived his right to a jury trial on that count. [Id. at PageID #: 77](#). A jury convicted Ronny on all of the other remaining counts, except for one of the

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aggravated robbery charges. [Id. at PageID #: 75-78](#). At the sentencing hearing, the court merged the counts and the state proceeded on attempted murder and aggravated burglary. [Id.](#) Petitioner was sentenced to 28 years in prison. [Id.](#)

The case was referred to Magistrate Judge David A. Ruiz for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On July 29, 2019, the magistrate judge issued a Report and Recommendation ([ECF No. 15](#)). In his report, the magistrate judge recommends that the Court dismiss the habeas petition in its entirety because Petitioner failed to file his Petition within the one-year statute of limitations pursuant to [28 U.S.C. § 2241\(d\)\(1\)-\(2\)](#). [Id. at PageID # 209-11](#).

[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 Report were due, therefore, on August 12, 2019.¹ To date, neither party has filed any such objections. Any further review would be duplicative and an 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 Report and Recommendation of the magistrate judge is hereby adopted.

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

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Emmett Ronny's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies 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.

August 28, 2019
Date

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