

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FRANKLYN WILLIAMS,)	
)	CASE NO. 1:21CV1301
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
OHIO DEPARTMENT OF)	
REHABILITATION AND CORRECTIONS,)	
)	
Respondent.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>

Petitioner Franklyn Williams filed a *pro se* Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254 \(ECF No. 1\)](#)¹ alleging three (3) grounds for relief which challenge the constitutional sufficiency of his convictions and sentences in Cuyahoga County, Ohio Court of Common Pleas Case Nos. [CR-15-593764-A](#), [CR-15-593844-A](#), [CR-15-593998-A](#), and [CR-15-594806-A](#). Petitioner was found guilty of (1) two first-degree felony counts of aggravated robbery with two firearm specifications, a notice of prior conviction specification, and a repeat violent offender specification; (2) two second-degree felony counts of robbery with two firearm specifications, a notice of prior conviction specification, and a repeat violent offender specification; (3) two first-degree felony counts of kidnapping with two firearm specifications, a notice of prior conviction specification, and a repeat violent offender specification; (4) two third-

¹ On May 4, 2022, Lawrence R. Floyd filed a Notice of Appearance ([ECF No. 15](#)) as counsel for Petitioner.

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degree felony counts of having weapons while under disability, one of which included two firearm specifications; (5) two fifth-degree felony counts of theft; (6) one fifth-degree felony count of theft with two firearm specifications; (7) one fifth-degree felony count of misuse of credit cards; (8) one first-degree misdemeanor count of misuse of credit cards; (9) one first-degree misdemeanor count of petty theft; and, (10) one misdemeanor count of failure to comply with order/signal of police officer following a second jury trial. He was sentenced to a total sentence of 33 years in prison as follows: Case No. CR-15-593764-A, 11 years to run consecutive to all other cases; Case No. CR-15-593844-A, 10 years to run consecutive to all other cases; Case No. CR-15-593998-A, 12 years to run consecutive to all other cases; and, Case No. CR-15-594806-A, six months in jail to run concurrent to all other cases. The case was referred to a magistrate judge for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#).² On March 12, 2024, the magistrate judge issued a Report & Recommendation ([ECF No. 18](#)). In her Report, the magistrate judge recommends that the Court dismiss the habeas petition and not grant Petitioner a certificate of appealability.

[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, therefore, due on March 26, 2024. Neither party has timely filed objections. Therefore, the Court must assume that the parties are satisfied with the magistrate judge's recommendations. Any further review by this

² The Court referred the case to Magistrate Judge William H. Baughman, Jr. In September 2022, the case was reassigned from Magistrate Judge Baughman (retired) to Magistrate Judge Jennifer Dowdell Armstrong pursuant to [General Order 2022-14](#).

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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. Secretary of Health and Human Services*, 932 F.2d 505 \(6th Cir. 1991\)](#); [*United States v. Walters*, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#).

Accordingly, the Report & Recommendation of the magistrate judge is hereby adopted. Franklyn Williams's Petition for a Writ of Habeas Corpus will be 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. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

March 27, 2024
Date

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