

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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GEOFFREY M. BANKS,	:	
	:	
Petitioner,	:	CASE NO. 3:14-CV-1945
	:	
v.	:	OPINION & ORDER
	:	[Resolving Doc. Nos. <a href="#">1</a> , <a href="#">14</a> ]
JASON BUNTING, Warden,	:	
	:	
Respondent.	:	
	:	
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Petitioner Geoffrey Banks seeks a writ of habeas corpus under [28 U.S.C. § 2254<sup>1/</sup>](#) and moves for a stay and abeyance of the petition.<sup>2/</sup> On November 4, 2015, Magistrate Judge Burke recommended that this Court dismiss the petition and deny the motion for stay and abeyance.<sup>3/</sup> Neither party objected to Magistrate Judge Burke’s Report and Recommendation (“R&R”).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a R&R to which a party has made an objection.<sup>4/</sup> Parties must file any objections to a R&R within fourteen days of service.<sup>5/</sup> Failure to object within that time waives a party’s right to have the Court review the R&R.<sup>6/</sup> Absent objection, a district court may adopt the R&R without review.<sup>7/</sup>

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<sup>1/</sup>Doc. [1](#). Respondent filed a return of writ. Doc. [5](#). Petitioner filed a traverse. Doc. [17](#). Respondent replied. Doc. [18](#). Petitioner replied. Doc. [20](#).  
<sup>2/</sup>Doc. [14](#). Respondent filed an opposition. Doc. [16](#). Petitioner replied. Doc. [19](#).  
<sup>3/</sup>Doc. [21](#).  
<sup>4/</sup>[28 U.S.C. § 636\(b\)\(1\)\(C\)](#).  
<sup>5/</sup>[Fed. R. Civ. P. 72\(b\)\(2\)](#); [LR 72.3\(b\)](#).  
<sup>6/</sup>[LR 72.3\(b\)](#); see *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).  
<sup>7/</sup>See *Thomas*, 474 U.S. at 149.

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In this case, neither party has objected to the R&R. Moreover, having conducted its own review of the record in this case, this Court agrees with the conclusions of Magistrate Judge Burke.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference. The Court **DISMISSES WITH PREJUDICE** Banks' petition and **DENIES** his motion for stay and abeyance. Moreover, the Court certifies that an appeal from this decision could not be taken in good faith and that no basis exists upon which to issue a certificate of appealability under [28 U.S.C. § 1915\(a\)\(3\)](#).<sup>8/</sup>

IT IS SO ORDERED.

Dated: December 18, 2015

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>8/</sup>[28 U.S.C. § 2253\(c\); Fed. R. App. P. 22\(b\).](#)