

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

<p>NEIL CANNON,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>BRIGHAM SLOAN,</p> <p style="text-align: center;">Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 3:15-cv-00717-DAP</p> <p>JUDGE DAN AARON POLSTER</p> <p><u>ORDER ADOPTING REPORT</u></p> <p><u>AND RECOMMENDATION</u></p>
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Before the Court is the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli (“R & R”), Doc #. 6, which recommends that the Court dismiss Petitioner Cannon’s Petition because it is time-barred. A copy of the R & R was mailed to Cannon on July 20, 2016, 2016. It is now August 10, 2016, and Cannon has yet to file any objection to the R & R.

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). However, where a party fails to object, a district court is not required to conduct any review, *de novo* or otherwise, of the report and recommendations of a magistrate

judge. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

The Court has reviewed the R & R. The Court agrees that Cannon filed his Petition after the time limitations provided had expired and is not entitled to equitable tolling. Accordingly, the Court ADOPTS the Magistrate Judge's R & R, Doc. # 6, and DISMISSES the Petition.

IT IS SO ORDERED.

/s/ Dan A. Polster Aug. 10, 2016

**DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE**