

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Lincoln E. Fox,)	CASE NO. 3:15CV2542
)	
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
vs.)	
)	
Neil Turner,)	
)	
)	
Respondent.)	MEMORANDUM OF OPINION AND ORDER
)	
)	

This action is before the Court upon objections filed by Petitioner Lincoln E. Fox, asserting error in the Report and Recommendation (“the R&R”) of the Magistrate Judge. The Court ADOPTS the R&R (Doc. 13) in its entirety. The Petition is hereby DISMISSED.

Where objections are made to a magistrate judge’s R&R this Court must:

must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b)(3).

However, the district court need not provide de novo review where the objections are “[f]rivolous, conclusive or general.” *Nettles v. Wainwright*, 677 F.2d 404, 410 n. 8 (5th Cir.1982). The parties have “the duty to pinpoint those portions of the magistrate’s report that the district court must specially consider.” *Id.* at 410 (footnote omitted); *see also United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir.1983), *cert. denied*, 464 U.S. 1050, 104 S.Ct. 729, 79 L.Ed.2d 189 (1984).

Mira v. Marshall, 806 F.2d 636, 637 (6th Cir. 1986).

In the R&R, the Magistrate Judge concluded that Lincoln had procedurally defaulted all four of his grounds for relief. In his objections, Fox asserts as follows: “First, Fox objects to the finding that all four of his claims should be dismissed as procedurally defaulted.” Doc. 14 at 2. No other discussion is made of the R&R’s analysis of procedural default. As Fox’s sole objection is conclusive and makes no effort to highlight the area of the R&R this Court should review, it does not entitle him to a de novo review. Moreover, despite that fact, this Court’s independent review of the R&R reveals no error in its procedural default analysis. Accordingly, Fox’s objection lacks merit.

Fox’s objection is overruled. The R&R is adopted, and the petition is hereby 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. There is no basis on which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

April 14, 2017

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT COURT