

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HOUSTON HART,)

Petitioner,)

v.)

JAMES HAVILAND,)

Respondent.)

CASE NO. 3:17-CV-2614

JUDGE BENITA Y. PEARSON

**MEMORANDUM OF OPINION AND
ORDER**

Petitioner Houston Hart 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 and sentence in the Lucas County Court of Common Pleas, Case No. CR 13-2359. A Lucas County Grand Jury indicted Petitioner on two counts of murder. Petitioner was convicted on one count. Petitioner was sentenced to life in prison with parole eligibility after 15 years.

The case was referred to Magistrate Judge William H. Baughman for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On March 3, 2021, Magistrate Judge Baughman issued his Report and Recommendation ([ECF No. 22](#)). In his Report, Magistrate Judge Baughman recommends that the Court dismiss the habeas petition in its entirety, because Petitioner's first and second grounds for relief are not cognizable in federal habeas review, and Petitioner's third ground for relief is procedurally defaulted. [ECF No. 22 at PageID #: 833-34](#).

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[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 March 17, 2021. 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. 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 and Recommendation of the magistrate judge is hereby adopted. Houston Hart'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.

March 24, 2021
Date

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