

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MENDO LOVE	)	
(#A681444),	)	CASE NO. 3:18CV2640
	)	
Petitioner,	)	
	)	JUDGE BENITA Y. PEARSON
v.	)	
	)	
DOUGLAS FENDER, <sup>1</sup> Warden,	)	
	)	<b><u>MEMORANDUM OF OPINION</u></b>
Respondent.	)	<b><u>AND ORDER</u></b>

*Pro Se* Petitioner Mendo Love filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254 \(ECF No. 1\)](#) alleging six (6) grounds for relief which challenge the constitutional sufficiency of his convictions and sentence in Erie County, Ohio Court of Common Pleas Case No. [2011 CR 0310](#). Petitioner was sentenced to 30 months on each of three counts, a six-month license suspension, and a mandatory fine of \$5,000 on each count. The sentences imposed in Counts 4 and 6 were to be served concurrently, but the sentence in Count 2 was ordered to be served consecutive to the other counts. The case was referred to Magistrate Judge Kathleen B.

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<sup>1</sup> Brigham Sloan was the original respondent. He was sued in an official capacity as a public officer. According to the Ohio Department of Rehabilitation & Correction website (<https://drc.ohio.gov/laeci> (last visited August 7, 2019)), Douglas Fender is now the Warden at Lake Erie Correctional Institution. Pursuant to [Fed. R. Civ. P. 25\(d\)](#), Fender's name has been automatically substituted as a party.

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Burke for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On June 25, 2019, the magistrate judge issued a Report & Recommendation ([ECF No. 9](#)). In her Report, the magistrate judge recommends that the Court deny the habeas petition because: (1) Grounds One, Two, and Six fail on the merits ([ECF No. 9 at PageID #: 522-27; PageID #: 530-32](#)); (2) Grounds Three and Five are not cognizable ([ECF No. 9 at PageID #: 527; PageID #: 530](#)); and, (3) Ground Four is not cognizable and fails on the merits ([ECF No. 9 at PageID #: 527-30](#)).

[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 July 12, 2019.<sup>2</sup> 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 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. Mendo Love's Petition for a Writ of Habeas Corpus will be dismissed.

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<sup>2</sup> Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Petitioner was served a copy of the Report by mail. See [Thompson v. Chandler](#), [36 Fed.Appx. 783, 784 \(6th Cir. 2002\)](#).

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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.

August 7, 2019  
Date

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