

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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WILLIAM J. HIMES

Petitioner,

-vs-

MICHELE EBERLIN MILLER,  
Warden, Belmont Correctional Institution

Respondent.  
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: CASE NO. 4:10 CV 2304  
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: ORDER ADOPTING REPORT AND  
: RECOMMENDATION AND  
: DISMISSING THE PETITION WITH  
: PREJUDICE  
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Proceeding pro se, plaintiff William Himes brings a habeas corpus petition, pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his convictions following a jury trial. This matter was referred to United States Magistrate Judge George J. Limbert for a Report and Recommendation (“R&R”) pursuant to Local Civil Rule 72.2. (Doc. 9). In his R&R, Magistrate Judge Limbert finds the pro se petitioner’s constitutional claims procedurally barred pursuant to the terms laid down in Maupin v. Smith, 785 F.2d 135, 138 (6<sup>th</sup> Cir. 1986). (Doc. 15). Accordingly, he recommends this Court grant the Respondent’s motion to dismiss the petition and dismiss with prejudice.

No party has objected to the Magistrate Judge’s R&R. Therefore, this Court will presume the parties are satisfied with the determination. Any further review by this Court would be a duplicative and inefficient use of the Court’s limited resources. Thomas v. Arn, 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 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted. Mr. Himes' petition will be dismissed with prejudice.

IT IS SO ORDERED.

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE