

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

ALFONSO CERVANTES REYES,)	CASE NO. 4:14-cv-1086
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
MICHAEL PUGH, WARDEN,)	
)	
RESPONDENT.)	

This matter is before the Court upon the recommendation of Magistrate Judge Burke that the respondent’s motion to dismiss petitioner’s habeas corpus action be granted. (Doc. No. 18 [“R&R”].)¹ Pursuant to 28 U.S.C. § 2241, petitioner challenges the calculation of his sentence by the Federal Bureau of Prisons. (Doc. Nos. 1 and 9 [“Petition”].) The petitioner requested and received two extensions of time to respond to the respondent’s motion to dismiss, but no response was filed by petitioner. (*See* Doc. No. 15 and Non-document order May 5, 2015.)

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)(C).

¹ Petitioner was mailed a copy of Magistrate Burke’s report and recommendation on July 15, 2015. No objection has been filed, and petitioner has not sought an extension of time to file objections.

In this case, the statutory time period has elapsed and no objection has been filed to the R&R. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and adopts the same. Accordingly, respondent's motion to dismiss the petition for habeas relief pursuant to 28 U.S.C. § 2241, is GRANTED.

IT IS SO ORDERED.

Dated: August 4, 2015



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE