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

DERRICK DEE PEETE,	CASE NO. 4:20 CV 2185
Petitioner,	
v.	JUDGE JAMES R. KNEPP II
JAMES HAVILAND,	
Respondent.	**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Jennifer Dowdell Armstrong's Report and Recommendation ("R&R") to deny Petitioner Derrick Dee Peete's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Doc. 13). Specifically, Judge Armstrong recommends the Court find the Petition time-barred, or in the alternative, find Ground One (regarding ineffective assistance of trial counsel) meritless and Ground Two (regarding whether Petitioner's guilty plea was knowing, intelligent, and voluntary) partially procedurally defaulted and wholly meritless. *See id.* at 14-31.

Under the relevant statute:

> Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], 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); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on July 28, 2023. On August 28, 2023, having received no objections to the R&R, this Court adopted the same. (Doc. 14). Following a filing from Petitioner indicating he had not received the R&R (Doc. 16), the Court vacated its prior Order, mailed Petitioner a copy of the R&R, and granted Petitioner additional time to file his objections (Doc. 17). That additional time expired on November 6, 2023. *See id.* To date, the Court has received no objections or other filings from Petitioner. Despite the lack of objections, the Court has reviewed Judge Armstrong's comprehensive and well-reasoned R&R and agrees with the findings and recommended rulings therein. Therefore, the Court ADOPTS Judge Armstrong's R&R (Doc. 13) as the Order of this Court and DENIES and DISMISSES Petitioner's Petition (Doc. 1) as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ *James R. Knepp II*
UNITED STATES DISTRICT JUDGE