

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

JEFFREY S. BUSKE,)	CASE NO. 5: 08 CV 186
)	
Petitioner,)	
)	JUDGE DONALD C. NUGENT
v.)	
)	
MICHELLE EBERLIN, Warden,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli. The Report and Recommendation (ECF # 13), filed on November 17, 2008, is ADOPTED by this Court, and Petitioner's Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254, on January 22, 2008, is DENIED.

The Court referred this case to Magistrate Judge Vecchiarelli for a report and recommendation pursuant to Local Rule 72.2. On November 17, 2008, Magistrate Judge Vecchiarelli recommended that this Court deny Petitioner's writ. On November 25, 2008, Petitioner filed objections to the Report and Recommendation. (ECF # 14.)

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). Moreover, it has considered all of the pleadings, affidavits, motions, and filings of the parties. Despite Petitioner's assertions to the contrary, the Court finds Magistrate Judge Vecchiarelli's Report and Recommendation to be well-written, well-supported, and correct. In addition, the Court finds Petitioner's objections to the same to be entirely lacking in merit. Therefore, the Report and Recommendation (ECF # 13) is ADOPTED in its entirety, the Petition for Writ of Habeas Corpus is DENIED, and Petitioner's objections (ECF # 14) are

thereby DENIED.

Furthermore, 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 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.

s/ Donald C. Nugent _____
DONALD C. NUGENT
United States District Judge

DATED: December 4, 2008