

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

SCOTT COLLIN RABB,)	CASE NO. 5: 09 CV 1098
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>MAGISTRATE'S REPORT AND</u>
)	<u>RECOMMENDATION</u>
MICHELE MILLER,)	
Warden,)	
)	
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Benita Y. Pearson. The Report and Recommendation (ECF # 10), issued on May 28, 2010, is hereby ADOPTED by this Court. Plaintiff, Mr. Rabb, filed a pro se petition for writ of habeus corpus, pursuant to 28 U.S.C. § 2254. (ECF #1). Mr. Rabb is currently serving two consecutive three-year sentences for two robbery convictions in 2007. The entire petition is time-barred as it was not timely filed. Further, Grounds one and Two raised issues that had not been properly exhausted, and are cognizable under federal law. No timely objections have been filed.

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and ADOPTS the Report and Recommendation in its entirety.

IT IS SO ORDERED.

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

DATED: June 29, 2010