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

Ru Liu, Case No. 5:11 CV 2027

Petitioner, O R D E R

-vs- JUDGE JACK ZOUHARY

Bennie Kelly,

Respondent.

Before this Court is Respondent's Motion to Dismiss *Pro Se* Petitioner Ru Liu's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 7). This case was previously referred to Magistrate Judge George Limbert for a Report and Recommendation ("R&R"), which this Court has reviewed. The R&R agrees with Respondent that the Petition is untimely and recommends this Court deny the Petition as barred by the statute of limitations set forth in 28 U.S.C. § 2244(d)(1). Petitioner did not oppose the Motion.

Under 28 U.S.C. § 636(b)(1), a party must serve and file his written objections to the Magistrate's proposed findings and recommendations within fourteen (14) days of being served with the R&R, at which time this Court makes a *de novo* determination of those portions of the R&R to which objections were made. The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

Petitioner's deadline for filing objections was July 25, 2012. It is now July 31, 2012, and Petitioner has yet to file objections. The R&R accurately states the facts and law, and this Court adopts it in its entirety. Accordingly, the Petition is denied and this action is dismissed pursuant to 28 U.S.C. §2243. Further, because Petitioner has not made a substantial showing of the denial of a constitutional right, this Court finds there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253.

IT IS SO ORDERED.

s/ *Jack Zouhary*
JACK ZOUHARY
U. S. DISTRICT JUDGE

July 31, 2012