UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

Marshawn Horne,) CASE NO. 5:12CV2274
Petitioner,) JUDGE DAN AARON POLSTER
VS.) <u>MEMORANDUM OF OPINION</u>) AND ORDER
Jason Bunting,)
Respondent.)

Before the Court is the Report and Recommendation of Magistrate Judge George J.

Limbert ("R & R") (Doc. #14). The R&R recommends that Petitioner Marshawn Horne's 28

U.S.C. § 2254 petition for writ of habeas corpus (**Doc. # 1**) be dismissed.

Under 28 U.S.C. § 636(b)(1), a habeas petitioner has 14 days after being served a copy of the R&R to file written objections. A copy of the R&R was mailed to Petitioner on December 3, 2014.¹ In this case, more than 14 days have elapsed since the R&R was sent to Petitioner, and Petitioner has filed neither an objection nor a request for an extension of time to file one.

Failure to file objections by the deadline constitutes a waiver of the right to obtain a de novo review of the R&R in the district court, <u>United States v. Walters</u>, 638 F.2d 947, 949 (6th Cir. 1981), and a waiver of the right to appeal. <u>Thomas v. Arn</u>, 728 F.2d 813 (6th Cir. 1984),

¹ On 11/14/2014, the Court mailed a copy of the R&R to the Petitioner and addressed it to the Lake Erie Correctional Institution. On 12/2/2014, Respondent's counsel informed the Court that Petitioner had been transferred to the Marion Correctional Institution. As a result, on December 3, 2014, t he Court mailed a copy of the R&R to Petitioner and addressed it to the Marion Correctional Institution.

<u>aff'd</u>, 474 U.S. 140 (1985). <u>Thomas v. Arn</u>, 728 F.2d 813 (6th Cir. 1984), <u>aff'd</u>, 474 U.S. 140 (1985).

The Court has reviewed the Magistrate Judge's R&R and agrees that the petition should be dismissed. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (**Doc. # 14**) and **DISMISSES** the petition for writ of habeas corpus (**Doc. # 1**).

IT IS SO ORDERED.

<u>/s/ Dan Aaron Polster</u> December 29, 2014 Dan Aaron Polster United States District Judge