

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JERMAINE TURNER,)	
)	CASE NO. 5:13cv1089
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
MIKE DEWINE,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u> [Regarding ECF Nos. 7; 16]

On May 12, 2014, Magistrate Judge George J. Limbert issued an Interim Report (“R&R”) recommending that the Court grant Ohio Attorney General Mike DeWine’s motion to dismiss ([ECF No. 7](#)) and dismiss him from the case. The R&R further recommends that the Court substitute Alan Lazaroff, Warden of Mansfield Correctional Institution, as respondent, and allow Petitioner’s federal habeas corpus petition to proceed.¹ [ECF No. 16](#).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a report and recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a report and recommendation within 14 days of service. *Id.*; [Fed. R. Civ. Pro. 72\(b\)\(2\)](#). Failure to object within this time waives a party’s right to appeal the district court’s judgment. [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#);

¹ The magistrate judge found that DeWine was not the proper respondent in this action—the state officer who has custody of Petitioner is. [ECF No. 16 at 2](#). The R&R went on to explain that “while Petitioner did not identify the Warden of Mansfield Correctional Institution in his federal habeas corpus petition form, he did identify the Warden as Respondent in his prisoner affidavit” and “also identified his place of incarceration.” *Id.*

(5:13cv1089)

[United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court may adopt a magistrate judge's report without review. See [Thomas, 474 U.S. at 149](#).

In the instant case, objections to the R&R were due by May 26, 2014. Neither party has filed an objection. The Court finds that the R&R is supported by the record, and agrees with the magistrate judge's recommendation.

Accordingly, the Court adopts the Interim Report and Recommendation. [ECF No. 16](#). DeWine's motion to dismiss ([ECF No. 7](#)) is granted, and he is dismissed from this case. Alan Lazaroff, Warden of Mansfield Correctional Institution, is hereby substituted as respondent. Petitioner's habeas corpus petition shall proceed against Respondent Lazaroff.

IT IS SO ORDERED.

June 4, 2014
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge