

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

Michael Grady,

Case No. 5:15-cv-1578

Petitioner

v.

ORDER

Margaret Bradshaw¹, Warden,

Respondent

Before me is the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli, filed on July 21, 2016, recommending I grant a conditional writ of habeas corpus to allow Petitioner the right to directly appeal his sentence. (Doc. No. 10).

Under the relevant statute, “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1); *United States v. Campbell*, 261 F.3d 628 (6th Cir. 2001). In this case, the fourteen day period has elapsed and no objections have been filed.

The failure to file written objections to the Magistrate Judge’s report and recommendation constitutes a waiver of a determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Smith v. Detroit Fed’n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“only those specific objections to the magistrate’s report made to the district court will be preserved for appellate review”).

¹ The Court’s docket designates Jason Bunting as the Respondent but the Magistrate Judge’s Report and Recommendation designates Margaret Bradshaw, Warden, as the Respondent.

Following review of the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation (Doc. No. 10) in its entirety as the Order of the Court. The Court grants Petitioner a conditional writ of habeas corpus directing his release from prison unless the State of Ohio grants Petitioner Grady a new direct appeal, with the assistance of appointed counsel, within one-hundred eighty (180) days from the time Petitioner files a motion to reopen his direct appeal.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge