

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

MARCEL A. MORALES,)	CASE NO. 5:17-CV-2629
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
WARDEN LaSHANN EPPINGER,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Magistrate Judge Ruiz’s Report and Recommendation (ECF DKT #10) to grant Respondent LaShann Eppinger’s Motion to Dismiss (ECF DKT #8) and dismiss Petitioner Marcel Morales’s Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF DKT #1) as time-barred. Objections to the Report and Recommendation were due by December 11, 2018. Petitioner has not filed an objection to the Report and Recommendation. Federal Rule of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within fourteen days after service. FED. R. CIV. P. 72(b)(2). Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge’s recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court’s limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge, **GRANTS** Respondent's Motion to Dismiss and **DISMISSES** Petitioner's Petition as time-barred.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Since Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: December 28, 2018