

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SAFAA AL-ZERJAWI,)	
)	CASE NO. 5:21CV2182
Petitioner,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
TIM McCONAHAY, Warden,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	[Resolving ECF No. 24]

Pro Se Petitioner Safaa Al-Zerjawi filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) ([ECF No. 1](#)) alleging two (2) grounds for relief. The case was referred to a magistrate judge¹ for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). After Petitioner filed a Motion for Summary Judgment ([ECF No. 24](#)), the magistrate judge submitted a Report ([ECF No. 27](#)) on December 15, 2023 recommending that the motion be denied.

¹ The Court referred the case to Magistrate Judge William H. Baughman, Jr. On September 2, 2022, the case was reassigned from Magistrate Judge Baughman (retired) to Magistrate Judge Jennifer Dowdell Armstrong pursuant to [General Order 2022-14](#).

(5:21CV2182)

The Warden's Response to [ECF No. 24](#) is that Petitioner has not met his burden at summary judgment because: (1) his claims are non-cognizable in a federal habeas proceeding to the extent they are based solely on violations of state law; (2) he failed to exhaust and/or procedurally defaulted his claims; and (3) his claims fail on the merits. *See* [ECF No. 25 at PageID #: 398-99](#) (citing Return of Writ ([ECF No. 6](#))). The magistrate judge concludes Respondent's arguments are well-taken and that Petitioner has not met his summary judgment burden. *See* [ECF No. 27 at PageID #: 408-409; 411](#).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Magistrate Judge's Report were, therefore, due on January 2, 2024.² But, neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn, 728 F.2d 813 \(6th Cir. 1984\)](#), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services, 932 F.2d 505 \(6th Cir. 1991\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. Petitioner's Motion for Summary Judgment ([ECF No. 24](#)) is denied.

² Under [Fed. R. Civ. P. 6\(d\)](#), three (3) days must be added to the 14-day time period because Petitioner was served a copy of the Report by mail. *See* [Thompson v. Chandler, 36 Fed.Appx. 783, 784 \(6th Cir. 2002\)](#). The Court has accounted for those three days, as well as additional time for any mailed objection to reach the Court, before issuing this Memorandum of Opinion and Order.

(5:21CV2182)

The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

January 8, 2024
Date

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