

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DARRYL GUMM,	:	
Petitioner,		
v.	:	Case No. 1:98-cv-838
BETTY MITCHELL, Warden, Mansfield Correctional Institution,	:	JUDGE WALTER H. RICE
Respondent.		

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #225);  
OVERRULING RESPONDENT'S MOTION FOR AN ENTRY OF  
COMPLIANCE WITH CONDITIONAL WRIT (DOC. #223); DISMISSING  
CASE WITHOUT PREJUDICE FOR LACK OF JURISDICTION TO  
ENFORCE THE WRIT FURTHER

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Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his March 5, 2015, Report and Recommendations, Doc. #225, as well as on a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety. Although the parties were notified of their right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

Because the state court Judgment has been vacated, this Court lacks jurisdiction to acknowledge Respondent's compliance with the conditional writ.

Respondent's Motion for an Entry of Compliance with Conditional Writ, Doc. #223, is OVERRULED for that reason. Nevertheless, given that the Court lacks jurisdiction to enforce the writ further, the Court DISMISSES the above-captioned case WITHOUT PREJUDICE.

Date: March 24, 2015

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE