

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

PATRICK LEONARD,

Petitioner, : Case Nos. 1:09-cv-56 & 1:17-cv-28

: District Judges Susan J. Dlott &  
Timothy S. Black

-vs- Magistrate Judge Michael R. Merz

WARDEN, Ohio State Penitentiary,

Respondent.

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**REPORT AND RECOMMENDATIONS**

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These capital habeas corpus cases are before the Court on the Suggestion of Death of Petitioner (ECF No. 84 in Case 1:09-cv-56 & ECF No. 14 in Case No. 1:17-cv-028). Because Petitioner is no longer in custody as is necessary for this Court to exercise habeas corpus jurisdiction, it is respectfully recommended that these cases be dismissed without prejudice as moot.

March 7, 2017.

s/ *Michael R. Merz*  
United States Magistrate Judge

## **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).