

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

JAMES PHILLIPS,

Petitioner,

-vs-

COURT OF COMMON PLEAS,
HAMILTON COUNTY, OHIO,

Respondent.

:

Case No. 1:09-cv-064

:

Chief Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

:

**ORDER STRIKING OBJECTIONS TO SUPPLEMENTAL REPORT AND
RECOMMENDATIONS**

This pre-judgment habeas corpus case, brought under 28 U.S.C. § 2241, is before the Court on Petitioner's Objections (Doc. No. 28) to the Magistrate Judge's Supplemental Report and Recommendations (Doc. No. 24) recommending denial of the writ upon reconsideration of the original Report and Recommendations (Doc. No. 20) in light of Petitioner's Objections (Doc. No. 23).

The Supplemental Report and Recommendations were filed April 5, 2010, making objections due under Fed. R. Civ. P. 72 not later than April 22, 2010. Petitioner requested and received an extension to June 15, 2010, allowing a total of over 60 days to make objections (Doc. No. 25). When that extension expired, Petitioner requested and received another two weeks to June 29, 2010 (Doc. No. 26). Petitioner did not file by June 29th. Instead, without seeking leave of court or communicating with opposing counsel as required by S. D. Ohio Civ. R. 7.3, he granted himself a

one-day extension of time to file.

This is a pre-trial habeas corpus case. Petitioner's re-trial in the Hamilton County Court of Common Pleas on two counts of sexual misconduct with a minor and one count of gross sexual imposition has been delayed for more than eighteen months by the pendency of this case. Petitioner's deadline to file a traverse was originally set by Magistrate Judge Hogan at April 30, 2009 (Order, Doc. No. 6, PageID 32). Petitioner sought and obtained sixty days' extension of that time (Doc. Nos. 9-12). After the Magistrate Judge filed the original Report and Recommendations, Petitioner sought and received two extensions of time to file his objections (Doc. Nos. 21-22).

Under these circumstances, given that the present Objections were filed late without permission, they are STRICKEN.

June 30, 2010.

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