

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Thomas K. Finley,  
Petitioner

v. Case No. 1:09-cv-414

Warden, Warren  
Correctional Institution,  
Respondent

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed July 27, 2009 (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. This matter is **DISMISSED** without prejudice for lack of prosecution.

Date: August 18, 2009

s/Sandra S. Beckwith  
Sandra S. Beckwith, Senior Judge  
United States District Court