

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jack Readnour,
Petitioner

v.

Case No. 1:10-cv-5

Warden, Hocking
Correctional Institution,
Respondent

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed January 4, 2011 (Doc. 15).

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**. Respondent's motion to dismiss is **GRANTED**, and petitioner's petition for writ of habeas corpus is **DENIED** with prejudice.

A certificate of appealability will not issue with respect to petitioner's claims for relief, which are barred from review on procedural waiver grounds.

This Court certifies that pursuant to 28 U.S.C. § 1915(a)(3) an appeal of this

Order would not be taken in good faith, and therefore DENIES petitioner leave to appeal *in forma pauperis*. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

Date: January 24, 2011

s/Sandra S. Beckwith

Sandra S. Beckwith, Senior Judge
United States District Court