

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

Kevin Michael Thornton,

Petitioner, : Case No. 1:10-cv-497

- vs -

: District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

Warden, Lebanon Correctional Institution :

Respondent. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #25), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on September 12, 2011, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition herein is DISMISSED with prejudice. Petitioner is also DENIED leave to appeal *in forma pauperis* and any requested certificate of appealability.

 /s/ Michael R. Barrett
Michael R. Barrett
United States District Judge