

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

Kenneth L. Edwards,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:10cv637
vs.	:	
	:	Chief Judge Susan J. Dlott
Warden, Ross Correctional Institution,	:	
	:	
Respondent(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on January 10, 2011(Doc. 8), 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 January 31, 2011, hereby ADOPTS said Report and Recommendation.

Accordingly, respondent’s motion to dismiss the petition (Doc. 6) is **DENIED** to the extent respondent requests that the petition is dismissed, but **GRANTED** to the extent respondent alternatively requests that the petition be transferred to the Sixth Circuit for review and determination whether the district court will be granted authorization to entertain the successive petition.

The petition for a writ of habeas corpus (Doc. 1) is **TRANSFERRED** pursuant to 28

U.S.C. § 1631 to the United States Court of Appeals for the Sixth Circuit for consideration whether the district court may review the petition in accordance with 28 U.S.C. § 2244(b).

IT IS SO ORDERED.

—
s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court