

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

BOBBY T. SHEPPARD,	:	Case No. 1:12-cv-198
	:	
Petitioner,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Michael R. Merz
	:	
WARDEN, CHILLICOTHE CORRECTIONAL INSTITUTION	:	
	:	
Respondent.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 120)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 11, 2024, submitted a Report and Recommendation (Doc. 120).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter.

Upon consideration of the foregoing, the fact that no objections have been filed, and the time for doing so has expired, the Court finds that the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly:

- 1) Petitioner's petition is **DISMISSED without prejudice** to any claims Petitioner may have with respect to the replacement judgment;
- 2) The 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** plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997); and
- 3) The Clerk shall enter judgment accordingly and terminate the case.

IT IS SO ORDERED.

Date: 2/13/2024

s/Timothy S. Black
Timothy S. Black
United States District Judge