

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

Derryck Henson,

Petitioner,

v.

Case No. 1:12cv602

Warden, Lebanon Correctional
Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on September 19, 2017 (Doc. 41).

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. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Plaintiff filed objections to the Report and Recommendation (Doc. 42). However, his objections were properly stricken by the Magistrate Judge as untimely. (Doc. 43).

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 41) of the Magistrate Judge is hereby **ADOPTED**. A certificate of appealability consistent with the recommendation by the Magistrate Judge is **DENIED**.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett
United States District Judge