

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

RYAN HOBBS,	:	Case No. 1:13-cv-928
	:	
Petitioner,	:	District Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
OHIO ADULT PAROLE AUTHORITY,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY ADOPTING THE INITIAL AND
SUPPLEMENT REPORT AND RECOMMENDATIONS
OF THE U.S. MAGISTRATE JUDGE (Docs. 29, 45)**

This civil case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio, Western Division to United States Magistrate Judge Michael R. Merz.

On February 18, 2015, this Court dismissed with prejudice Petitioner’s petition for writ of habeas corpus and further denied a certificate of appealability and leave to appeal *in forma pauperis*. (Doc. 26). Petitioner did not appeal.

On August 2, 2018, Petitioner filed a motion seeking relief from judgment, asserting that “[t]he entire habeas proceedings before this court is null and void as well as every state Court and appellate decision,” due to alleged prosecutorial misconduct and fraud upon the Court.¹ (Doc. 28).

¹ While Petitioner generally appears to allege fraud in the context of his habeas proceeding, his statements at times imply that the alleged fraud occurred in relation to his underlying state court conviction. (*See* Doc. 28 at 2, 3).

Pursuant to the Order of General Reference, Judge Merz reviewed the pleadings filed with this Court and, on August 8, 2018, submitted a Report and Recommendation, opining that Petitioner's motion is untimely and without merit. (Doc. 29). Accordingly, Judge Merz recommends that this Court deny Petitioner's motion, deny a certificate of appealability, and certify to the Sixth Circuit that any appeal would be objectively frivolous. (Doc. 29). Petitioner filed objections (Doc. 30) and Respondent filed a response in support of the Report and Recommendation (Doc. 31). In light of Petitioner's objections, this Court entered an Order recommitting the case for further analysis and recommendations. (Doc. 33).

On September 18, 2018, Judge Merz issued a Supplemental Report and Recommendations, further supporting the prior recommendation. (Doc. 45). Petitioner filed objections. (Doc. 58).²

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 Court determines

² Petitioner's objections merely restate his previously raised assertions and objections, all of which have been thoroughly and accurately addressed in the initial and Supplemental Report and Recommendations. Petitioner further argues that the Magistrate Judge misinterpreted his motion for relief from the judgment and he claims no decision can be reached on his motion absent the Court thoroughly investigating his conclusory allegations of fraud. This is simply inaccurate. Indeed, despite Petitioner's motion lacking authority or evidence, the Magistrate Judge thoroughly analyzed it in every conceivable context. Petitioner motion for relief is untimely and unsupported. Thus, he is not entitled to the relief he seeks, and his objections merely asserting the contrary do not amount to "specific written objections." Fed. R. Civ. P. 72(b)(2) (emphasis added). "The filing of vague, general, or conclusory objections does not meet the requirement of specific objections and is tantamount to a complete failure to object." *Cole v. Yukins*, 7 F. App'x 354, 356 (6th Cir. 2001). The Court finds the Magistrate Judge's recommendations thorough and accurate, and, accordingly, **Petitioner's objections are overruled.**

that the initial and Supplemental Report and Recommendations (Docs. 29, 45) should be, and are hereby, adopted in their entirety. Accordingly:

1. The initial and Supplemental Report and Recommendations (Doc. 29, 45) are **ADOPTED**;
2. Petitioner's motion for relief from judgment (Doc. 28) is **DENIED**;
3. Because reasonable jurists would not debate the Court's conclusions, the Court **DENIES** issuance of a certificate of appealability, pursuant to 28 U.S.C. § 2254.
4. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith and, therefore, this Court **DENIES** Petitioner leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 3/1/19

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