

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LEO BOYKINS, III,	:	Case No. 1:14-cv-627
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
WARDEN, Petersburg Federal	:	
Correctional Institution,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 4)**

This 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. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on August 7, 2014, submitted a Report and Recommendations. (Doc. 4). No objections were filed.

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 does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendations (Doc. 4) is **ADOPTED**;
2. Petitioner's motion for leave to proceed *in forma pauperis* (Doc. 1) is **GRANTED**;

3. The Petition in this case is substantially identical to the Petition in *Boykins v. Wilson*, Case No. 3:14cv255, and for the reasons given in the Report and Recommendations in that case, the Petition in this case is **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction;
3. A certificate of appealability under 28 U.S.C. § 2253 is **DENIED**; and
4. An application to proceed on appeal *in forma pauperis* under 28 U.S.C. Section 1915(a)(3) is **DENIED**.

IT IS SO ORDERED.

Date: 9/8/14

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