

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

Joey S. Westbrook, :
: Petitioner(s), : Case Number: 1:14cv934
: vs. : Judge Susan J. Dlott
Director, Ohio Department of Rehabilitation :
and Correction, :
: Respondent(s). :
:

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge J. Gregory Wehrman filed on February 4, 2016 (Doc. 13), 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 September 30, 2016, hereby ADOPTS said Report and Recommendations.

Petitioner filed three motions for extension of time to file objections to the Report and Recommendation. The Court granted each motion for an extension of time and petitioner failed to file his objections.

Accordingly, respondent's motion to dismiss (Doc. 9) is GRANTED and petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 (Doc. 1) is DISMISSED with prejudice.

A certificate of appealability will not issue with respect to any of petitioner's time-barred claims because under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), "jurists of reason" will not find it debatable whether the

Court is correct in its procedural ruling that such claims are subject to dismissal on statute of limitations grounds.

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court will certify pursuant to 28 U.S.C. §1915(a)(3) that an appeal of any Order adopting the Report and Recommendation will not be taken in good faith, therefore, DENYING petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

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