

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

Thomas Huge,

Petitioner,

v.

Case No. 1:15cv061

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 July 28, 2015 (Doc. 16).

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). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 16) of the Magistrate Judge is hereby **ADOPTED**. Respondent's Motion to Dismiss (Doc. 12) is **DENIED**.

A certificate of appealability will not be granted consistent with the Recommendation (Doc. 16) by the Magistrate Judge. so that the Petitioner can exhaust his available state court remedies. Also, pursuant to 28 U.S.C. § 1915(a)(3), any request to appeal *in forma pauperis* would not be taken in good faith and would be denied.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge