

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEFFREY SAAG,	:	Case No. 1:15-cv-599
	:	
Petitioner,	:	Judge Timothy S. Black
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
WARDEN, CHILLICOTHE CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 9)**

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 Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 8, 2016, submitted a Report and Recommendation. (Doc. 8). Petitioner filed objections. (Doc. 9).¹

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

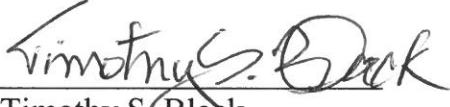
¹ Petitioner argues that the judgment in this case was invalid and therefore his claim is not time-barred. As Magistrate Judge Litkovitz explains, Petitioner’s grounds for habeas relief are based on alleged errors that occurred at sentencing in 2002. Since Petitioner was aware of the facts underlying his claims by the close of the direct review, his ground for relief is governed by the one-year statute of limitations set forth in 28 U.S.C. Section 2244(d)(1)(A), which began to run when Petitioner’s conviction became final “by the conclusion of direct review or the expiration for the time for seeking such review.” Petitioner has not demonstrated that extraordinary circumstances prevented him from filing a timely federal habeas corpus petition with this Court. Accordingly, Petitioner’s objections (Doc. 9) are **OVERRULED**.

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

1. Petitioner's federal habeas corpus petition is time-barred and Respondent's motion to dismiss (Doc. 6) is **GRANTED**;
2. The habeas corpus petition (Doc. 3), filed long after the statute of limitations had run its course is **DISMISSED WITH PREJUDICE**;
3. A certificate of appealability should not issue; and
4. Pursuant to 28 U.S.C. Section 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Petitioner is **DENIED** leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 8/3/16


Timothy S. Black
United States District Judge