

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TYLER FITZGERALD,	:	Case No. 1:16cv307
	:	
Petitioner,	:	Judge Timothy S. Black
vs.	:	Magistrate Judge Stephanie Bowman
	:	
WARDEN, CHILLICOTHE	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 11)**

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 Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and memoranda filed with this Court and, on January 27, 2017, submitted a Report and Recommendation. (Doc. 11). 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 Recommendation should be and is hereby **ADOPTED** in its entirety.

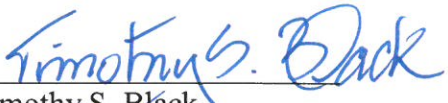
Accordingly:

1. Respondent's Motion to Dismiss (Doc. 6) is **GRANTED**;
2. The petition for writ of habeas corpus (Doc. 1) is **DISMISSED WITH PREJUDICE**;

3. The Court certifies that, pursuant to 28 U.S.C. 1915 § (a)(3), an appeal of this Order would not be taken in good faith;
4. No certificate of appealability shall issue; and
5. This case is **TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

Date: 2/27/17

  
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Timothy S. Black  
United States District Judge