

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

James Francis,

Petitioner,

v.

Case No. 1:16cv606

Warden, Warren 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 August 2, 2017 (Doc. 13).

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. 13) of the Magistrate Judge is hereby **ADOPTED**. Respondent's Motion to Dismiss (Doc. 7) is **DENIED**.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett
United States District Judge