UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Jeffery A. Wogenstahl,

Petitioner,

v.

Case No. 1:17-cv-298
Judge Thomas M. Rose

Charlotte Jenkins, Warden,
Chillicothe Correctional Institution,

Respondent.

DECISION AND ENTRY OVERRULING PETITIONER'S OBJECTIONS (ECF 9, 23, 29) TO MAGISTRATE JUDGE'S SUPPLEMENTAL REPORT AND RECOMMENDATIONS, (ECF 22), ADOPTING TRANSFER ORDER, (ECF 6), AND TERMINATING THE INSTANT CASE.

On May 4, 2017, Magistrate Judge Michael R. Merz filed a Transfer Order, directing that this case be transferred to the United States Court of Appeals for the Sixth Circuit for that court's determination of whether the case may proceed, but stayed the effective date of the order until the time for appeal had expired or until the appeal was decided, whichever is later. (ECF 6). On May 16, 2017, Petitioner objected to the Transfer order. (ECF 9). On May 17, 2017, the Court recommitted the matter to the Magistrate Judge, so that he might file a supplemental report analyzing the Objections and making recommendations based on that analysis. (ECF 10). On July 19, 2018, the Magistrate Judge filed a Supplemental Report, recommending that the District Judge affirm the Transfer Order. (ECF 22). On August 2, 2017, Petitioner objected to the Supplemental Report. (ECF 23). This prompted another recommittal order. (ECF 24). On

August 8, 2017, the Magistrate Judge issued a Second Supplemental Report, again recommending that the District Court transfer this case to the United States Court of Appeals for the Sixth Circuit for a determination under 28 U.S.C. § 2244(b) of whether it can proceed. (ECF 26). On September 1, 2017, Petitioner again objected. (ECF 29).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case, taking into consideration both of Petitioner's objections. Upon said review, the Court finds that Plaintiff's objections, (ECF 9, 23, 29), to the Magistrate Judge's Transfer Order, (ECF 6), Supplemental Report, (ECF 22), and Second Supplemental Report, (ECF 26), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Transfer Order, (ECF 6), Supplemental Report, (ECF 22), and Second Supplemental Report (ECF 26). It is hereby **ORDERED** that this case be transferred to the United States Court of Appeals for the Sixth Circuit for that court's determination of whether the case may proceed.

DONE and **ORDERED** this Tuesday, March 27, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE