

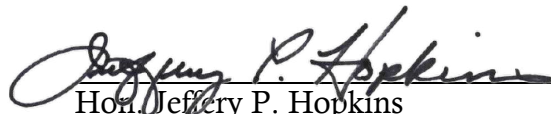
giving rise to the prisoner's incarceration." *Dickey v. Warden, Lebanon Corr. Inst.*, No. 1:08cv819, 2010 WL 92510, at *10 (S.D. Ohio Jan. 6, 2010) (Beckwith, J.; Black, M.J.) (emphasis added) (citing *Kirby v. Dutton*, 794 F.2d 245, 247 (6th Cir. 1986); *Cress v. Palmer*, 484 F.3d 844, 853 (6th Cir. 2007); *Roe v. Baker*, 316 F.3d 557, 571 (6th Cir. 2002); *Alley v. Bell*, 307 F.3d 380, 386-87 (6th Cir. 2002)). The Motion to Expand the Record is accordingly **DENIED**.

The Court has, likewise, carefully reviewed the comprehensive findings and conclusions of the Magistrate Judge and has considered *de novo* all of the filings in this case with particular attention to the issues as to which Petitioner has lodged objections. Having done so, the Court determines that the recommendations in the Magistrate Judge's Report and Supplemental Report should be adopted.

Accordingly, it is hereby **ORDERED** that Petitioner's objections are **OVERRULED** and the Report (Doc. 47) and Supplemental Report (Doc. 53) are **ADOPTED** in their entirety. The Petition, as amended, is **DISMISSED** with prejudice for failure to state a claim for relief. Petitioner is **DENIED** a certificate of appealability, and the Court hereby certifies to the United States Court of Appeals that an appeal would not be taken in good faith and therefore Petitioner should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

Dated: May 2, 2023



Hon. Jeffrey P. Hopkins
United States District Judge