

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

JELANI KHAMISI, Petitioner,	:	Case No. 1:17-cv-819
	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge Stephanie K.
HAMILTON COUNTY, <i>et al.</i> ,	:	Bowman
Respondents.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 2) and
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and submitted a Report and Recommendation recommending that Petitioner's *pro se* petition for a writ of habeas corpus be dismissed without prejudice to refile after Petitioner has exhausted all available state court remedies. 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 the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 2) is **ADOPTED**;

2. The Complaint is **DISMISSED without prejudice** to refiling after Petitioner has exhausted all available state court remedies;
3. A certificate of appealability shall not issue because Petitioner has not made a substantial showing of the denial of a constitutional right that is remediable at this juncture;
4. Pursuant to 28 U.S.C. § 1915(a)(3), any appeal of this Order would not be taken in “good faith” and Petitioner is denied leave to appeal *in forma pauperis*; and
5. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 2/27/19

s/ Timothy S. Black
Timothy S. Black
United States District Judge