

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Nawaz Ahmed, :  
 :  
 Petitioner : Civil Action 2:08-cv-00493  
 :  
 v. : Judge Marbley  
 :  
 David Bobby, Warden : Magistrate Judge Abel  
 :  
 Respondent :

**ORDER**

Petitioner Nawaz Ahmed, a State prisoner, brings this action under 28 U.S.C. §2254 alleging that he is in custody in violation of the Constitution of the United States. This matter is before the Court on Magistrate Judge Abel's June 20, 2009 Report and Recommendation that this case be transferred as a successive petition to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. §1631. Alternatively, the Report and Recommendation recommended that this case be consolidated with *Nawaz Ahmed v. Marc C. Houk*, 2:07-cv-658 and that the petition here then be stricken as filed in violation of the Court's April 16, 2008 Order. *Nawaz Ahmed v. Marc C. Houk*, 2:07-cv-658 (April 16, 2008 Order, doc. 32).

On August 13, 2008, petitioner Ahmed filed objections to the Report and Recommendation. Petitioner argues that the court should not make any further rulings in this case until it appoint counsel for him. Ahmed states that there has been a total break down in communication between him and his counsel in 2:07-cv-658. He

