

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

Tazzar Nelms,

Petitioner,

v.

Case No. 2:08-cv-636

Michael Sheets, Warden,

Judge Michael H. Watson

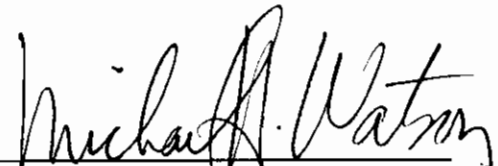
Respondent.

OPINION AND ORDER

On November 24, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254 be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Petitioner does not object to the Magistrate Judge's recommendation of dismissal of claim three as procedurally defaulted but does object to the Magistrate Judge's recommendation that claims one and two be dismissed on the merits. Petitioner's objections raise the same arguments presented to the Magistrate Judge.

Pursuant to 28 U.S.C. §636(b), this Court has conducted a *de novo* review. For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

The Clerk shall enter **FINAL JUDGMENT**.



Michael H. Watson, Judge
United States District Court