

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

Robert Hillman,

Petitioner,

v.

Case No. 2:08-cv-987

Warden, Chillicothe Correctional
Institution,

Judge Michael H. Watson
Magistrate Judge Kemp

Respondent.

OPINION AND ORDER

On September 23, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be denied. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Petitioner objects to all of the Magistrate Judge's conclusions and recommendations. He again raises all of the same arguments that he previously presented. He again contends that there was insufficient evidence to sustain his convictions and asserts that he is actually innocent of the charges. Additionally, petitioner complains that the Magistrate Judge denied his request for discovery, and motion to strike the Return of Writ for misstating material facts. He alleges that the Magistrate Judge retaliated against him for filing civil actions against state court officials. *See Objections*.

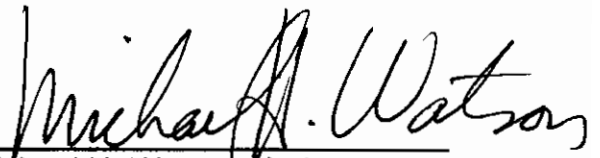
Pursuant to 28 U.S.C. §636(b), this Court has conducted a *de novo* review. After careful review of the entire record, and for the reasons detailed in the Magistrate Judge's

Report and Recommendation, this Court likewise is unpersuaded that petitioner has presented any issue warranting federal habeas corpus relief. The Magistrate Judge properly denied petitioner's motion to strike the Return of Writ and discovery request. Further, petitioner's allegation of retaliation is groundless.

Therefore, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Petitioner's request that this Court take judicial notice of the merits of his claims, see Doc. No. 27, hereby is **DENIED**. To the extent that such request, as well as petitioner's supplemental brief in support of his request for judicial notice constitute objections to the Magistrate Judge's recommendations, those objections likewise are **DENIED**.

This action is hereby **DISMISSED**.

IT IS SO ORDERED.



Michael H. Watson, Judge
United States District Court