

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

Jamel A. Smith,

Plaintiff,

v.

Case No. 2:09cv468

M. Eberlin Miller,
Warden,

Judge Michael H. Watson

Defendant.

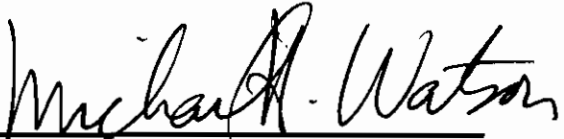
OPINION AND ORDER

Before the Court is the June 16, 2009 Report and Recommendation (hereinafter "Report") of Magistrate Judge Abel (Doc. 2).

The parties were given proper notice, pursuant to 28 U.S.C. § 636(b)(1)(C), including notice the parties would waive further appeal if they failed to file objections to the Report in a timely manner. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). To date, no objections to the Report were filed.

The Report recommends that Plaintiff's petition be dismissed because Plaintiff has failed to exhaust his Ohio court remedies. Upon *de novo* review of this matter, pursuant to 28 U.S.C. §636, the Court finds no error in the Report. Accordingly, the Report (Doc. 2) is hereby **ADOPTED** and Plaintiff's petition is hereby **DISMISSED**. The Clerk of Court is hereby directed to close this action,

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT