UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

CHARLES A. MITCHELL, : CASE No: 2:10-CV-299

:

Petitioner, : JUDGE FROST

MAGISTRATE JUDGE KING

v. :

:

KEITH SMITH, WARDEN, :

:

Respondent. :

ORDER

On July 15, 2011, the United States Magistrate Judge recommended that this habeas corpus action be dismissed. Report and Recommendation, Doc. No. 11. Although the parties were advised of their right to object, and of the consequences of their failure to do so, there has been no objection.

The Report and Recommendation is **ADOPTED and AFFIRMED**. This action is hereby **DISMISSED**.

The Clerk shall enter FINAL JUDGMENT.

/s/ Gregory L. Frost
Gregory L. Frost
United States District Judge