

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

KYLE L. ROBERTSON,

Petitioner,

CASE NO. 2:10-cv-0399

v.

WARDEN, ROSS CORRECTIONAL  
INSTITUTION,

JUDGE GREGORY L. FROST  
MAGISTRATE JUDGE KEMP

Respondent.

**OPINION AND ORDER**

On February 8, 2011, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant motion to vacate under 28 U.S.C. §2254 be dismissed. Doc. No. 16. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

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

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
**GREGORY L. FROST**  
**UNITED STATES DISTRICT JUDGE**