

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

JOHN W. HESS,

Petitioner,

v.

NEIL TURNER, WARDEN,

Respondent.

CASE NO. 2:13-CV-0343  
JUDGE JAMES L. GRAHAM  
MAGISTRATE JUDGE KEMP

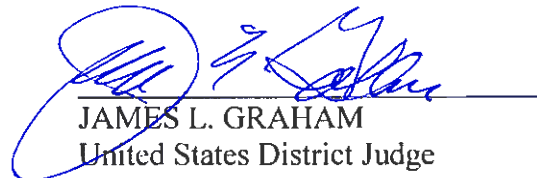
**OPINION AND ORDER**

On July 31, 2013, the Magistrate Judge issued a *Report and Recommendation* recommending that Respondent's motion to dismiss for failure to prosecute the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be granted and that this action be dismissed. 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**. Respondent's motion to dismiss (Doc. 11) is **GRANTED** and this action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

Date: September 25, 2013

  
JAMES L. GRAHAM  
United States District Judge