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

KIM L. ANDERSON,

Petitioner,

v.

Case No. 2:13-cv-00622
Judge Sargus
Magistrate Judge King

WARDEN, CHILLICOTHE CORRECTIONAL INSTITUTION,

Respondent.

ORDER

This is an action for a writ of habeas corpus under 28 U.S.C. § 2254 in which petitioner challenges his conviction in the Franklin County Court of Common Pleas on one count of engaging in a pattern of corrupt activity, one count of theft, five counts of forgery, five counts of money laundering, and one count of identity fraud. On October 30, 2014, the United States Magistrate Judge recommended that the *Petition* be dismissed. *Report and Recommendation,* ECF 23. Specifically, the Magistrate Judge reasoned that claims two, seven and eight are procedurally defaulted and that claims one and claims three through six are without merit. *Id.* Petitioner has filed objections to that recommendation. *Objection,* ECF 25. The Court will consider the matter *de novo. See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b).

In his objections, petitioner raises the same arguments presented to and rejected by the Magistrate Judge. He also contends that he has established cause for the procedural default of certain claims because he was denied the effective assistance of trial and appellate counsel. As the Magistrate Judge reasoned, however, claims of ineffective assistance of counsel cannot serve to excuse petitioner's procedural defaults, because those claims, too, have been procedurally defaulted. *See Edwards v. Carpenter*, 529 U.S. 446, 451-52 (2000)(the constitutionally

ineffective assistance of counsel may constitute cause for a procedural default, so long as that claim is not itself procedurally defaulted).

This Court has conducted a *de novo* review of the record. For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner's *Objection,* ECF 25, is **OVERRULED.** The *Report and Recommendation,* ECF 23, is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED.**

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT**.

12-9-2014

EDMUND A. SARGUS, JR.
United States District Judge