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

GENERAL SMITH III,

Petitioner,

v.

Case No. 2:14-cv-554
JUDGE SMITH
Magistrate Judge King

WARDEN, SOUTHEASTERN CORRECTIONAL INSTITUTION,

Respondent.

ORDER

On August 14, 2015, the Magistrate Judge recommended that this action for a writ of habeas corpus under 28 U.S.C. § 2254 be dismissed. *See Report and Recommendation* (ECF No. 29). Petitioner objects to that recommendation. *See Objection* (ECF No. 30.)

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons that follow, Petitioner's *Objection* (ECF No. 30) is **OVERRULED**. The *Report and Recommendation* (ECF No. 29) is **ADOPTED** and **AFFIRMED**. This action hereby is **DISMISSED.**

Petitioner's request for a certificate of appealability is **DENIED**.

This case involves Petitioner's challenge to the validity of the state trial court's November 29, 2007 sentence imposed pursuant to the terms of Petitioner's negotiated guilty plea. The Magistrate Judge concluded that at least some of Petitioner's claims are time-barred under the one-year statute of limitations established in 28 U.S.C. § 2244(d) and that none of Petitioner's claims present an issue of a federal constitutional magnitude.

In his *Objection*, Petitioner raises the same arguments presented to and rejected by the Magistrate Judge in her *Report and Recommendation*. For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, the Court is likewise not persuaded by Petitioner's arguments.

Petitioner's *Objection* (ECF No. 30) is **OVERRULED.**

The *Report and Recommendation* (ECF No. 29) is **ADOPTED AND AFFIRMED**.

This action is hereby **DISMISSED**. The Clerk is **DIRECTED** to enter **FINAL JUDGMENT.**

Moreover, and because "reasonable jurists could [not] debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further,'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)(quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n. 4 (1983)), Petitioner's request for a certificate of appealability is **DENIED.** *See* 28 U.S.C. § 2253(c)(2).

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT