

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

IRVIN M. BROWN,

Petitioner,

vs.

Civil Action 2:14-cv-813
Judge Graham
Magistrate Judge King

WARDEN, NOBLE CORRECTIONAL
INSTITUTION,

Respondent.

REPORT AND RECOMMENDATION

Respondent sought and was granted until December 12, 2014 to respond to the *Petition. Order*, ECF 11. The *Return of Writ* was in fact filed on December 2014. *Return of Writ*, ECF 15.¹ Under these circumstances, it is **RECOMMENDED** that petitioner's December 22, 2014 application for the entry of default, *Application to Clerk for Entry of Default*, ECF 16, be denied.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections

¹ The *Certificate of Service* reflected in the *Return of Writ* indicates that a copy of the filing was mailed to petitioner on December 12, 2014. *Return of Writ*, p. 23.

must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. See, e.g., *Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objection to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal") (citation omitted).

s/ Norah McCann King
Norah McCann King
United States Magistrate Judge

December 22, 2014
Date