

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

IRVIN M. BROWN,

Petitioner,

v.

WARDEN, NOBLE  
CORRECTIONAL INSTITUTION,

Respondent.

Case No. 2:14-cv-00813  
Judge Graham  
Magistrate Judge King

**ORDER**

On September 8, 2015, the Magistrate Judge recommended that most of the claims asserted in this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed as procedurally defaulted and that his claim of prosecutorial misconduct be dismissed as without merit. *Report and Recommendation*, ECF No. 21. Petitioner objects to that recommendation as it relates to his claim of prosecutorial misconduct. *Objection*, ECF No. 24. Petitioner raises all of the same arguments presented to and rejected by the Magistrate Judge, and he also argues that cumulative error denied him a fair trial.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, ECF No. 21, Petitioner's *Objection*, ECF No. 24, is **OVERRULED**. The *Report and Recommendation*, ECF No. 21, is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

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

Date: October 21, 2015

s/James L. Graham

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JAMES L. GRAHAM  
United States District Judge