

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

HENRY N. HARPER,

Petitioner,

v.

WARDEN, BELMONT
CORRECTIONAL INSTITUTION,

Respondent.

CASE NO. 2:14-CV-01220
JUDGE GREGORY L. FROST
MAGISTRATE JUDGE KEMP

OPINION AND ORDER

On November 26, 2014, the Magistrate Judge issued a *Report and Recommendation* recommending that Petitioner's *Motion for Release*, ECF 8, be denied. Petitioner has filed an *Objection* to the *Magistrate Judge's Report and Recommendation*. ECF 16. Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review.

Petitioner objects to the denial of his motion for release. In support of this *Objection*, Petitioner again raises all of the same arguments that he previously presented. He contends that the state appellate court made erroneous factual findings and that he is the victim of a manifest miscarriage of justice. He refers to an affidavit from alleged victim Lisa Harper denying the criminal acts charged and to portions of the trial transcript.

For the reasons indicated in the Magistrate Judge's *Report and Recommendation*, this Court agrees, the record fails to reflect exceptional circumstances deserving of special treatment. *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990)(citation omitted).

Petitioner's *Objection*, ECF 16, is **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Petitioner's *Motion for Release*, ECF 8, is **DENIED**.

/s/ Gregory L. Frost
GREGORY L. FROST
United States District Judge