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

SHANE POWELL,

Petitioner,

CASE NO. 2:14-CV-02089 JUDGE JAMES L. GRAHAM Magistrate Judge Elizabeth P. Deavers

v.

WARDEN, MARION CORRECTIONAL INSTITUTION,

Respondent.

**OPINION AND ORDER** 

On August 25, 2015, the Magistrate Judge issued a Report and Recommendation (ECF No. 6) recommending that Respondent's *Motion to Dismiss* (ECF No. 5) be granted and that this action be dismissed. Although the parties were advised of the right to object to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections

have been filed.

The Report and Recommendation (ECF No. 6) is ADOPTED and AFFIRMED.

Respondent's Motion to Dismiss (ECF No. 5) is GRANTED and this action is hereby

**DISMISSED** without prejudice as unexhausted.

IT IS SO ORDERED.

Date: September 15, 2015

s/James L. Graham\_\_\_\_ JAMES L. GRAHAM United States District Judge