

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Warren Keith Henness,

Petitioner,

v.

Case No. 2:14cv2580

Warden, Chillicothe Correctional
Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on May 10, 2016 (Doc. 41).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 41) of the Magistrate Judge is hereby **ADOPTED**. Respondent's Motion to Dismiss (Doc. 27) is **DENIED** without prejudice consistent with the recommendation by the Magistrate Judge that no later than thirty (30) days after the mandate shall issue in *Adams II* Respondent may renew their Motion.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett

United States District Judge