

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

MICHAEL GOVER,

Petitioner,

v.

**WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION,**

Respondent.

Case No. 2:14-cv-2686

Judge Marbley

Magistrate Judge King

ORDER

On September 9, 2015, the Magistrate Judge recommended that Respondent's *Motion to Dismiss*, ECF No. 8, be granted and that this action be dismissed. *Report and Recommendation*, ECF No. 17. Petitioner has objected to that recommendation. *Objection*, ECF No. 21. Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons that follow, Petitioner's *Objection*, ECF No. 21, is **OVERRULED**. The *Report and Recommendation*, ECF No. 17, is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss*, ECF No. 8, is **GRANTED**.

The Magistrate Judge recommended that this action be dismissed as time-barred. Petitioner contends that the statute of limitations should be equitably tolled because he has been placed in behavioral schools throughout his life, and because his attorney failed to file a timely appeal with the Ohio Supreme Court. Petitioner again insists that he cannot represent himself without the assistance of a jailhouse attorney and argues that he has raised this same issue throughout his filings in the state courts. Finally, Petitioner disputes the 2005 psychological

evaluation of Ken Tecklenburg, Ph.D., and contends that the Magistrate Judge failed to take into account the entirety of that report.

For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner's arguments are not persuasive. The record offers no support for Petitioner's allegation that he could not timely file this habeas corpus petition or that equitable tolling of the statute of limitations is appropriate. Petitioner waited more than seven years after his judgment of conviction became final to pursue habeas corpus proceedings. Plainly, this action is barred by the one-year statute of limitations established by 28 U.S.C. § 2244(d).

Therefore, Petitioner's *Objection*, ECF No. 21, is **OVERRULED**. The *Report and Recommendation*, ECF No. 17, is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss*, ECF No. 8, is **GRANTED**.

This action is hereby **DISMISSED** as untimely.

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

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge