

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

GURWINDER SINGH,

Petitioner,

v.

**CASE NO. 2:16-CV-00205
JUDGE ALGENON L. MARBLEY
MAGISTRATE JUDGE KEMP**

**WARDEN, BELMONT
CORRECTIONAL INSTITUTION,**

Respondent.

OPINION AND ORDER


On February 23, 2017, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied and that this action be dismissed. (ECF No. 10.) Petitioner has filed an *Objection* to the Magistrate Judge's *Report and Recommendation*. (ECF No. 11.) 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. 11) is **OVERRULED**. The *Report and Recommendation* (ECF No. 10) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Petitioner challenges his convictions after a jury trial in the Logan County Court of Common Pleas on charges of gross sexual imposition and kidnapping. The trial court imposed nine years incarceration. Petitioner asserts that he was denied the effective assistance of trial counsel and that the State lacked sufficient evidence to justify a prosecution. The Magistrate Judge recommended dismissal of both of these claims as procedurally defaulted. Petitioner objects to the Magistrate Judge's recommendation. He argues that his attorney violated the duty of loyalty by failing to establish that police coerced the alleged victim to press charges against him, and that he is entitled to dismissal of the charges against him on this same basis. However,

as discussed by the Magistrate Judge, Petitioner has waived his claims for review in these proceedings by failing to present such issues on direct appeal. Further, he has failed to establish cause and prejudice for his procedural default.

Therefore, Petitioner's *Objection* (ECF No. 11) is **OVERRULED**. The *Report and Recommendation* (ECF No. 10) is **ADOPTED** and **AFFIRMED**. The petition for a writ of habeas corpus is **DENIED** and this action is hereby **DISMISSED**.

IT IS SO ORDERED.


ALGENON L. MARBLEY
United States District Judge