

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

**DONALD STARKEY,**

**Petitioner,**

vs.

**Case No.: 2:16-cv-525  
JUDGE GEORGE C. SMITH  
Magistrate Judge Jolson**

**WARDEN, CHILLICOTHE  
CORRECTIONAL INSTITUTION,**

**Respondent.**

**ORDER**

On January 27, 2017, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Respondent's Motion to Dismiss be granted and that this action be dismissed. (*See Report and Recommendation*, Doc. 8). The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. Respondent's Motion to Dismiss is **GRANTED**. This action is hereby **DISMISSED**. Additionally, Petitioner's Motion for Expansion of Record pursuant to Rule 7 is **DENIED**.

The Clerk shall remove Documents 4, 5, and 8 from the Court's pending motions list and terminate this case.

**IT IS SO ORDERED.**

*/s/ George C. Smith*  
**GEORGE C. SMITH, JUDGE  
UNITED STATES DISTRICT COURT**