

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

DARYL D. BOCOOK,

Petitioner,

v.

WARDEN, TOLEDO CORRECTIONAL  
INSTITUTION,

Respondent.

Case No. 2:16-cv-552  
Chief Judge Sargus  
Magistrate Judge King

ORDER

This is an action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a motion asking that the petition be transferred as a successive petition to the United States Court of Appeals for the Sixth Circuit. *Motion to Change Venue*, ECF No. 13. On March 29, 2017, the United States Magistrate Judge recommended that Respondent's motion be granted. *Report and Recommendation*, ECF No. 14. On April 11, 2017, Petitioner filed<sup>1</sup> a response to Respondent's motion. *Response to Motion*, ECF No. 16. In that response, Petitioner agrees that the matter should be transferred to the Sixth Circuit, *id.* at PageID# 265, although he also urges that Court to authorize his pursuit of this action. Under these circumstances, it appears that there is no objection to the *Report and Recommendation*.

The *Report and Recommendation*, ECF No. 14, is therefore **ADOPTED AND AFFIRMED**. Respondent's *Motion to Change Venue*, ECF No. 13, is


---

<sup>1</sup> Petitioner represents that he mailed this document on March 24, 2017. *Response to Motion*, ECF No. 16, PageID# 267.

**GRANTED.**

This action is hereby **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition.

4-14-2017  
Date

  
\_\_\_\_\_  
Edmund A. Sargus, Jr.  
Chief United States District Judge