

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

**RUFUS HORTON,**

**Petitioner,**

**v.**

**CASE NO. 2:17-CV-0036**

**JUDGE JAMES L. GRAHAM**

**Magistrate Judge Kimberly A. Jolson**

**WARDEN, MADISON  
CORRECTIONAL INSTITUTION,**

**Respondent.**

**OPINION AND ORDER**

On November 16, 2017, the Magistrate Judge issued a *Report and Recommendation* recommending that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied and that this action be dismissed. (Doc. 18.) Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (Doc. 18) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Petitioner has failed his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

**IT IS SO ORDERED.**

Date: January 3, 2018

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s/James L. Graham  
JAMES L. GRAHAM  
United States District Judge

