

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

CHAD A. MOORE,

Petitioner,

v.

Case No. 2:18-cv-379

JUDGE ALGENON L. MARBLEY

Chief Magistrate Judge Elizabeth P. Deavers

**WARDEN, NOBLE
CORRECTIONAL INSTITUTION,**

Respondent.

OPINION AND ORDER

On October 23, 2018, the Magistrate Judge issued a *Report and Recommendation* recommending that Respondent's *Motion to Dismiss* (ECF No. 7) be granted, and that the *Petition* for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed without prejudice unless Petitioner notified the Court within fourteen (14) days that he wished to delete his unexhausted claims and proceed solely on his remaining exhausted claim of the denial of the effective assistance of counsel. (ECF No. 8.) Although the parties were advised of the right to file objections to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed, and Petitioner has not notified the Court that he wishes to proceed solely on his remaining exhausted claim.

The *Report and Recommendation* (ECF No. 8) is **ADOPTED** and **AFFIRMED**. The *Motion to Dismiss* (ECF No. 7) is **GRANTED**. This action is hereby **DISMISSED** without prejudice as unexhausted.

Petitioner has waived 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.

The Clerk is **DIRECTED** to enter final judgment

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

November 30, 2018