

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JALEN D. LEE,

Petitioner,

v.

Case No. 2:18-cv-561

Judge James L. Graham

Magistrate Judge Chelsey M. Vascura

TIMOTHY SHOOP, WARDEN,
CHILlicothe CORRECTIONAL
INSTITUTION,

Respondent.

OPINION AND ORDER

On June 8, 2018, the Magistrate Judge issued an *Order and Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2254 Cases recommending that this action be dismissed without prejudice as unexhausted, and denying Petitioner's request for the appointment of counsel. (ECF No. 3.) Although the parties were advised of the right to file objections to the Magistrate Judge's *Order and Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Order and Report and Recommendation* (ECF No. 3) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

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). The Court therefore **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

Date: July 10, 2018

s/James L. Graham

JAMES L. GRAHAM

United States District Judge