

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Brian C. Koon,

Case No. 2:18-cv-1373

Petitioner,

v.

Belmont Correctional  
Center,

Judge Michael H. Watson  
Magistrate Judge Chelsey M. Vascura

Respondent.


**OPINION AND ORDER**

On December 3, 2018, the Magistrate Judge issued a Report and Recommendation pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that this action be transferred to the United States Court of Appeals for the Sixth Circuit as successive. ECF No. 5. 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.

The Report and Recommendation, ECF No. 5, is **ADOPTED** and **AFFIRMED**. This case is hereby **TRANSFERRED** to the Sixth Circuit as successive.

Petitioner has waived his right to appeal by failing to file objections. See *Thomas v. Arn*, 474 U.S. 140, 142 (1985). Therefore, the Court **DECLINES** to issue a certificate of appealability.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**