

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

SAMUEL MORELAND,

Case No. 3:05-cv-334

Petitioner,

District Judge Thomas M. Rose

-vs-

Magistrate Judge Michael R. Merz

NORM ROBINSON, Warden,

Respondent.

ENTRY AND ORDER OVERRULING MORELAND'S OBJECTIONS (Doc. #203) TO MAGISTRATE JUDGE MICHAEL R. MERZ'S SECOND REPORT AND RECOMMENDATIONS ON MORELAND'S MOTION FOR RELIEF FROM JUDGMENT AND MOTION TO AMEND (Doc. #201); ADOPTING MAGISTRATE JUDGE MERZ'S SECOND REPORT AND RECOMMENDATIONS IN ITS ENTIRETY; DENYING MORELAND'S MOTION FOR RELIEF FROM JUDGMENT AND MOTION TO AMEND AND GRANTING A CERTIFICATE OF APPEALABILITY

This is a habeas action brought by Petitioner Samuel Moreland ("Moreland") pursuant to 28 U.S.C. § 2254. Therein, Moreland sought relief from both his conviction for aggravated murder with death specifications and his resulting death sentence. Moreland's Petition for a Writ of Habeas Corpus was denied. (Doc. #117.)

Following an appeal to and decision by the Sixth Circuit and the issuance of other possibly relevant opinions, Moreland filed a renewed Motion for Relief from Judgment (doc. #193) and a renewed Motion To Amend (doc. #194). On January 8, 2015, Magistrate Judge Michael R. Merz issued a Second Report and Recommendations recommending that Moreland's

Motion for Relief from Judgment and Motion To Amend by denied. Magistrate Merz also recommended that Moreland be granted a certificate of appealability on this decision be issued.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Moreland's Objections to the Magistrate Judge's Second Report and Recommendations regarding Moreland's Motion for Relief from Judgment and Motion To Amend are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Second Report and Recommendations regarding Moreland's Motion for Relief from Judgment and Motion To Amend is ADOPTED in its entirety.

Moreland's Motion for Relief from Judgment (doc. #193) and Motion To Amend (doc. #194) are DENIED. Further, since this decision concerns law upon which reasonable jurists could disagree, a certificate of appealability is GRANTED.

DONE and ORDERED in Dayton, Ohio, this 19th day of March, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record