

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GREGORY G. WHITE,	:	Case No. 3:07-cv-26
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
TIM BRUNSMAN, Warden, Lebanon	:	
Correctional Institution,	:	
	:	
Respondent.	:	

DECISION AND ENTRY:

- (1) ADOPTING THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 32) IN ITS ENTIRETY;**
- (2) OVERRULING PETITIONER’S OBJECTIONS (Doc. 34) TO THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE ;**
- (3) DENYING PETITIONER’S MOTION TO AMEND (Doc. 29) THE AMENDED PETITION FOR WRIT OF HABEAS CORPUS;**
- (4) DISMISSING PETITIONER’S AMENDED PETITION FOR WRIT OF HABEAS CORPUS (Doc. 23);**
- (5) DENYING ISSUANCE OF A CERTIFICATE OF APPEALABILITY; AND (6) TERMINATING THIS CASE**

This case is before the Court on the Report and Recommendations (Doc. 32) of United States Magistrate Judge Sharon L. Ovington, submitted May 7, 2010, in which the Magistrate Judge, after having reviewed the pleadings filed with this Court and the law, recommends that Petitioner’s Motion to Amend his Amended Petition for a Writ of Habeas Corpus (Doc. 29) be denied, that all remaining claims in Petitioner’s Amended Petition for Writ of Habeas Corpus (Doc. 23) be dismissed,¹ that a certificate of appealability under 28

¹ Document 23 is Petitioner’s first Motion to Amend his Petition for Writ of Habeas Corpus, which was granted by the Magistrate Judge (Doc. 27). That first Motion to Amend included the additional claims Petitioner advances in support of his Amended Petition for Writ of Habeas Corpus and are the claims the Magistrate Judge recommends for dismissal in the Report and Recommendations now before the Court (Doc. 32).

U.S.C. § 2253(c) not issue, and that this case be terminated on the docket of this Court. Subsequently, Petitioner filed Objections to the Report and Recommendations. (Doc. 34). Respondent did not respond to the Petitioner's objections.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations (Doc. 32) should be, and is hereby, adopted in its entirety.

Accordingly, White's Motion to Amend his Amended Petition for a Writ of Habeas Corpus (Doc. 29) is denied because it is futile, and the remaining claims in the Amended Petition (Doc. 23) are dismissed because they do not relate back to the original Petition (Doc. 1) and are, therefore, time-barred pursuant to 28 U.S.C. § 2244(d)(1). Further, White's jurisdictional claims have no merit.

Accordingly, the Court orders that:

- (1) The Report and Recommendations of the Magistrate Judge (Doc. 32) is hereby **ADOPTED** in its entirety;
- (2) Petitioner's Objections (Doc. 34) to the Report and Recommendations of the Magistrate Judge are hereby **OVERRULED**;
- (3) Petitioner's Motion to Amend his Amended Petition for Writ of Habeas Corpus (Doc. 29) is **DENIED**;
- (4) Petitioner's Amended Petition for Writ of Habeas Corpus (Doc. 23) is **DISMISSED**;
- (5) A certificate of appealability under 28 U.S.C. § 2253(c) shall not issue; and
- (6) The case is **TERMINATED** on the docket.

IT IS SO ORDERED.

Date: 7/9/10

Timothy S. Black
Timothy S. Black
United States District Judge