

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MATTHEW CADDY, : Case No. 3:07-cv-339  
 :  
 Petitioner, : Judge Timothy S. Black  
 : Magistrate Judge Sharon L. Ovington  
vs. :  
 :  
STATE OF OHIO, :  
 :  
 Respondent. :

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE  
(Doc. 20); (2) OVERRULING PETITIONER'S OBJECTIONS (Doc. 23);  
(3) DISMISSING CADDY'S PETITION FOR A WRIT OF HABEAS CORPUS  
(Doc. 1); (4) DENYING ANY REQUESTED CERTIFICATE OF  
APPEALABILITY; AND (5) TERMINATING THIS CASE**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Sharon L. Ovington. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on May 18, 2010, submitted a Report and Recommendations. (Doc. 20). Subsequently, the Petitioner filed Objections to the Report and Recommendations. (Doc. 25).

As required by 29 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 should be and is hereby adopted.


Caddy's Petition for a Writ of Habeas Corpus is dismissed because he failed to properly raise federal constitutional claims in both the Ohio Court of Appeals and the Ohio Supreme Court and therefore his sole ground for relief is not cognizable..

Accordingly, in regard to the Report and Recommendations (Doc. 20):

- (1) Petitioner's Writ of Habeas Corpus (Doc. 1) is **DENIED** and **DISMISSED**;
- (2) A certificate of appealability under 28 U.S.C. §2253(c) shall not issue; and
- (3) The case is **TERMINATED** on the docket.

**IT IS SO ORDERED.**

Date: 6/29/10

  
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Timothy S. Black  
United States District Judge