

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JAMES T. CONWAY, III,

Petitioner,

-vs-

MARC C. HOUK, Warden,

Respondent.

:

Case No. 3:07-cv-345

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District Judge Timothy S. Black  
Magistrate Judge Michael R. Merz

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**SUPPLEMENTAL OPINION AND RECOMMENDATIONS**

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This capital habeas corpus case is before the Court on Respondent's Objection (Doc. No. 149), to the Magistrate Judge's Decision and Order (Doc. No. 147) granting Petitioner's Motion to Amend (Doc. No. 142). Petitioner has filed a Response to the Objection (Doc. No. 152) and Respondent has filed a Reply in Support (Doc. No. 154). The District Judge has recommitted the matter to the Magistrate Judge for a supplemental opinion and recommendation (Doc. No. 156).

Having considered the parties' arguments, the Magistrate Judge recommends the Objection be overruled on the basis set forth in the Magistrate Judge's Supplemental Opinion and Recommendations in *Waddy v. Coyle*, Case No. 3:98-cv-084 (Doc. No. 188).

July 11, 2012.

*s/ Michael R. Merz*  
United States Magistrate Judge