

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

RICHARD BAYS,

Petitioner,

: Case No. 3:08-cv-076

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Ohio State Penitentiary,

:

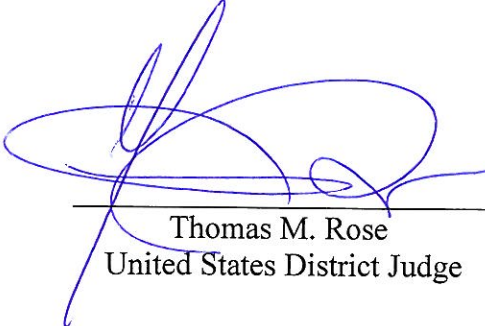
Respondent.

RECOMMITTAL ORDER

This capital habeas corpus case is before the Court on Petitioner's Objections (Doc. No. 162) to the Magistrate Judge's Decision and Order (Doc. No. 160) denying Petitioner's Motion for Leave to File an Amended Petition (Doc. No. 153). Respondent is entitled to file a response to the Objections but has not yet done so.

The District Judge has preliminarily considered the Objections and believes they will be more appropriately resolved after further analysis by the Magistrate Judge. Accordingly, pursuant to Fed. R. Civ. P. 72(b)(3), this matter is hereby returned to the Magistrate Judge with instructions to file a supplemental report analyzing the Objections and making recommendations based on that analysis.

September 17, 2013.



Thomas M. Rose
United States District Judge