

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

LARRY GAPEN,

Petitioner,

: Case No. 3:08-cv-280

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

DAVID BOBBY, Warden,

Respondent.

:

RECOMMITTAL ORDER

This case is before the Court on Petitioner's Objections (Doc. No. 197) to the Magistrate Judge's Decision and Order on Motions to Hold Petition in Abeyance and Expand Scope of Representation (Doc. No. 196). The Warden has filed a Response to those Objections (Doc. No. 198).

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 Response and making recommendations based on that analysis.

November 6, 2013.



Walter Herbert Rice
United States District Judge