

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEFFREY BROWN,	:	Case No. 3:08-cv-477
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
TIMOTHY BRUNSMAN, Warden,	:	
Lebanon Correctional Institution,	:	
	:	
Respondent.	:	

DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 15); (2) GRANTING PETITIONER’S MOTION TO REMOVE THE STAY (Doc. 9); and (3) GRANTING PETITIONER’S MOTION TO AMEND THE HABEAS PETITION (Doc. 10) AS TO CLAIM FIFTEEN BUT DENYING THE MOTION TO AMEND IN REMAINING PART

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 3, 2010, submitted a Report and Recommendations. (Doc. 15). Subsequently, the Petitioner filed Objections to the Report and Recommendations. (Doc. 16).

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.

Accordingly, in regard to the Report and Recommendations (Doc. 15):

- (1) Petitioner's motion to remove the stay (Doc. 9) is **GRANTED** and the clerk is **DIRECTED** that this case shall be re-opened on the Court's docket; and
- (2) Petitioner's motion to amend the habeas petition (Doc. 10) is **GRANTED IN PART** as to claim fifteen, which should be added to the claims raised in his original Petition and **DENIED** in remaining part.

IT IS SO ORDERED.

Date: 6/16/10

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