

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

WILLIAM C. BREWER,	:	
	:	
Petitioner,	:	Case No. 3:09-cv-462
	:	
- vs -	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael R. Merz
STATE OF OHIO,	:	
	:	
Respondent.	:	

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #11), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is ORDERED that Respondent’s Motion to Vacate Judgment is GRANTED and the case is hereby restored to the active docket of the United States Court for the Southern District of Ohio, Western Division at Dayton, for further consideration.

April 6, 2010

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge