

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

STEVEN DAY,

Petitioner,

-vs-

DEB TIMMERMAN-COOPER, Warden,

Respondent.

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Case No. 3:10-cv-206

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District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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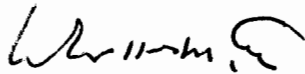
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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 7), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on October 8, 2010, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition herein be dismissed with prejudice. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied leave to appeal *in forma pauperis* and any requested certificate of appealability.

October 15, 2010.

October 15, 2010.



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Walter Herbert Rice  
United States District Judge