

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES M. CLINE,	:	Case No. 3:10-cv-232
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
WARDEN, Southern Ohio Correctional Facility,	:	
	:	
Respondent.	:	

DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATIONS (Doc. 14) OF THE UNITED STATES MAGISTRATE JUDGE; (2) OVERRULING PETITIONER'S OBJECTIONS (Doc. 15); (3) DISMISSING PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS (Doc. 1); (4) DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*; AND (5) TERMINATING THIS CASE

This case is before the Court on the Report and Recommendations of the United States Magistrate Judge Michael R. Merz. (Doc. 14). The Magistrate Judge, after reviewing the pleadings, recommends that Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) be denied and dismissed. Petitioner filed Objections to the Report and Recommendations. (Doc. 15). In response to the Objections, the Magistrate Judge issued a Supplemental Report and Recommendations (Doc. 16) addressing certain statements made by Petitioner in his Objections. Respondent did not respond to the Objections.

As required by 28 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 filings in this matter. Upon consideration of the foregoing, the Court determines that the Report and Recommendations (Doc. 14) should be and is hereby adopted in its entirety.

Petitioner's Objections allege no specific error. Instead, Petitioner threatens self-harm, requests legal advice from the Court, and boasts about his apparent ability to forge "release paperwork." (Doc. 15). These purported Objections are insufficient to allege error pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Further, as determined by the Magistrate Judge, the grounds for relief advanced in the Petition have been procedurally defaulted and Petitioner fails to demonstrate cause for such default and/or actual prejudice. See *Bonilla v. Hurley*, 370 F.3d 494, 497-498 (6th Cir. 2004).

Accordingly, the Court finds that:

- (1) The Report and Recommendations of the Magistrate Judge (Doc. 14) is hereby **ADOPTED** in its entirety;
- (2) Petitioner's Objections (Docs. 15) are **OVERRULED**;
- (3) Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**;
- (5) A certificate of appealability under 28 U.S.C. § 2253(c) and leave to appeal in forma pauperis is **DENIED**; and
- (6) The case is **TERMINATED** on the docket.

IT IS SO ORDERED.

Date: 1/14/11

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