

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

DAVID D. PALMER,

Petitioner,

vs.

MARGARET BRADSHAW, Warden,  
Richland Correctional Institution,

Respondent.

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Case No. 3:11cv203

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JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. #3) IN THEIR ENTIRETY AND OVERRULING PETITIONER'S OBJECTIONS (DOC. #5) TO SAID JUDICIAL FILING; JUDGMENT TO BE ENTERED IN FAVOR OF RESPONDENT AND AGAINST PETITIONER, TRANSFERRING PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, FOR AN ORDER AUTHORIZING THIS COURT TO FURTHER CONSIDER HIS PRESENT PETITION; TERMINATION ENTRY

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Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in her Report and Recommendations filed June 23, 2011 (Doc. #3), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety. The Petitioner's Objections to said judicial filing (Doc. #5) are overruled.

In ruling as aforesaid, this Court makes the following, non-exclusive, observations:

1. As a successive Petition, this Court does not have jurisdiction to hear Petitioner's present Petition without an order authorizing it to do so by the appropriate Court of Appeals. 28 U.S.C. § 2244(b)(3)(A).

Judgment will be ordered entered in favor of the Respondent and against Petitioner herein, transferring Petitioner's Petition for writ of habeas corpus to the United States Court of Appeals for the Sixth Circuit, seeking an order authorizing this Court to further consider his present Petition.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

September 21, 2011



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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

David D. Palmer, *Pro Se*  
Counsel of record