

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BUTCH R. DIXON,

Defendant.

:

:

:

:

Case No. 3:08cr037  
and 3:11cv219

JUDGE WALTER HERBERT RICE

---

DECISION AND ENTRY ADOPTING INITIAL (DOC. #74) AND SUPPLEMENTAL (DOC. #77) REPORTS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE; PLAINTIFF'S OBJECTIONS TO SAID JUDICIAL FILINGS (DOC. #76 AND #79) OVERRULED; PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE AND SPECIFIC FINDINGS OF FACT (DOC. #76) OVERRULED; JUDGMENT TO ENTER IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT, DISMISSING THE DEFENDANT'S MOTION TO VACATE, ETC., PURSUANT TO 28 U.S.C. § 2255; CERTIFICATE OF APPEALABILITY AND ANTICIPATED REQUEST FOR LEAVE TO APPEAL *IN FORMA PAUPERIS* OVERRULED; TERMINATION ENTRY

---

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in his Initial (Doc. #74) and Supplemental (Doc. #77) Reports and Recommendations, as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Reports and Recommendations are adopted in their entirety. Defendant's Objections to said judicial filings (Doc. #76-2 and 79)

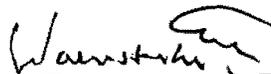
are overruled. The Defendant's request for judicial notice and specific findings of fact (Doc. #76-1) is overruled.

Judgment will be ordered entered in favor of the Government and against Defendant herein, dismissing the Defendant's Motion to Vacate, etc., filed pursuant to 28 U.S.C. § 2255, with prejudice, given that his claims are without merit and, in the case of the faulty Indictment claims, procedurally defaulted.

Because Defendant has not made a substantial showing of the denial of a constitutional right and, further, because reasonable jurists would not disagree with this opinion, Defendant is denied a certificate of appealability. Finally, given that any appeal from this Court's decision would be objectively frivolous, this Court denies any anticipated motion for leave to appeal *in forma pauperis*.

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



---

WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record