

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DONALD COOPER

Petitioner,

-v-

**WARDEN, Lebanon Correctional
Institution**

Respondent.

Case No. C-3:12-cv-059

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

ENTRY AND ORDER OVERRULING COOPER'S OBJECTIONS (Doc. #15) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #12) IN ITS ENTIRETY; DENYING COOPER'S MOTION TO CONDUCT DISCOVERY; DENYING COOPER'S PETITION FOR A WRIT OF HABEAS CORPUS WITHOUT PREJUDICE; DENYING COOPER LEAVE TO APPEAL IN FORMA PAUPERIS; DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY AND TERMINATING THIS CASE

This matter comes before the Court pursuant to pro se Petitioner Donald Cooper's ("Cooper's") Objections (doc. #15) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #12). Upon review, the Magistrate Judge recommends that Cooper's Motion to conduct discovery be denied, Cooper's Petition for a Writ of Habeas Corpus be denied and dismissed, that Cooper be denied leave to appeal in forma pauperis and that Cooper be denied a Certificate of Appealability.

The time has run and the Warden has not filed a response to Cooper's Objections. Cooper's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court

finds that Cooper's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Cooper's Motion for Leave of Court to Conduct Rule 6 Discovery (doc. #8) is denied. Also, Cooper's Petition for a Writ of Habeas Corpus (doc. #2) is denied and dismissed. In addition, Cooper is denied leave to appeal in forma pauperis and is denied a Certificate of Appealability. Finally, 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.

DONE and ORDERED in Dayton, Ohio, this Eleventh Day of February, 2013.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Donald Cooper at his last address of record