

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF OHIO
 WESTERN DIVISION

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| JIMMIE LEE REECE, | : | Case No. 3:12-cv-198 |
| | : | |
| Petitioner, | : | Judge Timothy S. Black |
| | : | Magistrate Judge Michael R. Merz |
| vs. | : | |
| | : | |
| WARDEN, Chillicothe Correctional | : | |
| Institution, | : | |
| | : | |
| Respondent. | : | |

DECISION AND ENTRY: (1) ADOPTING THE REPORTS AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 7, 11); (2) OVERRULING PETITIONER’S OBJECTIONS (Docs. 9, 12); (3) DENYING PETITIONER’S MOTION TO REOPEN (Doc. 6); (4) DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; AND (5) CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS

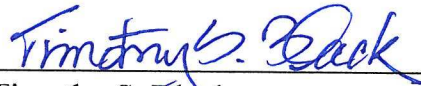
This case is before the Court on the Reports and Recommendations of the United States Magistrate Judge Michael R. Merz. (Docs. 7, 11). The Magistrate Judge concludes that Petitioner’s Motion to Reopen should be denied, that Petitioner be denied a certificate of appealability, and that the Court certify that any appeal would be objectively frivolous. Petitioner filed Objections. (Docs. 9, 12).

As required by 29 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* the substantive filings in this case. Based upon the reasoning and citations of authority set forth in the Magistrate Judge’s Report and Recommendations (Doc. 7, 11) and the Court’s *de novo* review, the Court: (1) **ADOPTS** the Reports and Recommendations of the United States Magistrate Judge (Docs. 7, 11) in their entirety; (2) **OVERRULES** Petitioner’s

Objections (Docs. 9, 12); (3) **DENIES** Petitioner's Motion to Reopen (Doc. 6);
(4) **DENIES** any request for a certificate of appealability under 28 U.S.C. § 2253(c);
(5) **CERTIFIES** that any appeal would be objectively frivolous; and (6) **DENIES** any
request for leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 10/18/12



Timothy S. Black
United States District Judge