UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICAH BRAY,	:	Case No. 3:12-cv-303
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
WARDEN, Lebanon Correctional Institution,	:	
	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 11)

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on September 28, 2012 submitted a Report and Recommendations. (Doc. 4). Petitioner then requested and was granted 60 days to file Objections to the Report and Recommendations. (Docs. 6, 7).

This Court had yet to receive the objections on the due date of December 11, 2012, and, accordingly, entered an Order adopting the Report and Recommendations and dismissing the Petition with prejudice. (Doc. 8). The next day, the Court received Petitioner's objections (Doc. 10), which the Magistrate Judge considered. Again, the Magistrate Judge submitted a Report and Recommendations that the Petition be dismissed with prejudice. (Doc. 11). Objections were due by January 3, 2013, but the

Dockets.Justia.com

Petitioner requested and was granted until February 1, 2013 to file objections. (Doc. 12). As of the date of this Order, more than ten days after they were due, the Court had yet to receive any objections. The Court finds that Petitioner has had more than sufficient time to respond to the Report and Recommendations and declines to delay its ruling in this case.

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* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendations (Doc. 11) is **ADOPTED**;

2. As previously ordered, the Petition is **DISMISSED WITH PREJUDICE** and a certificate of appealability under 28 U.S.C. § 2253 is **DENIED**; and

3. This case remains **CLOSED** on the docket of this Court.

IT IS SO ORDERED.

Date: 2/11/13

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