

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

ANTHONY K. BOLLING,

Petitioner,

: Case No. 3:13-cv-116

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

DONALD MORGAN, Warden,

:

Respondent.

ORDER TO AMEND OBJECTIONS AND FILE INDEX

This case is before the Court on Petitioner's Objections (Doc. No. 7) to the Magistrate Judge's Report and Recommendations (the "Report," Doc. No. 6). Judge Rice has recommitted the case for reconsideration in light of the Objections (Doc. No. 8).

In the Objections, Petitioner's counsel makes a number of references which are not supported by citations to the state court record. Accordingly, it is hereby ORDERED that Petitioner's counsel file an amended set of objections not later than August 1, 2013, which contains citations to the record for the following factual claims made in the Objections:

1. The date on which the record shows Petitioner became aware of *State v. Baker*, 119 Ohio St. 3d 197 (2008);
2. The date on which the record shows Petitioner became aware of *United States v. Ray*, 578 F.3d 184 (2nd Cir. 2009);
3. Any record reference which shows that Petitioner "was ordered back for resentencing on November 16, 2010" or on any other date; and

4. Any record reference which shows that Petitioner filed a timely petition for post-conviction relief on January 31, 2011.

Under Fed. R. Civ. P. 72(b)(2), the Warden is entitled to file a response to the Objections not later than August 5, 2013. If he does so, he shall at the same time file an index to the state court record.

July 23, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge