

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

CHARLES CUNNINGHAM,	:	
	:	
Petitioner,	:	Case No. 3:13-cv-129
	:	
-vs-	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Michael R. Merz
	:	
ERNIE MOORE, Warden,	:	
Lebanon Correctional Institution	:	
	:	
Respondent.	:	

---



---

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

---




---

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #14), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Petitioner Charles Cunningham’s Petition for Rehearing to Reconsider the Court’s decisions of October 21 and 25, 2013 (Doc. No. 13) is DENIED.

December 16, 2013.


---

 Walter Herbert Rice  
 United States District Judge