

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

FREDERICK W. BAUER,	:	
Petitioner,	:	Case No. 3:13-cv-142
v.	:	JUDGE WALTER H. RICE
U.S. ATTORNEY GENERAL,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #3) IN THEIR ENTIRETY; OVERRULING PETITIONER'S OBJECTIONS THERETO (DOC. #4); DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (DOC. #2) WITHOUT PREJUDICE TO REILING IN PROPER JURISDICTION; DIRECTING JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his Report and Recommendations filed on May 7, 2013 (Doc. #3), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filing in its entirety, and OVERRULES Petitioner's objections thereto (Doc. #4).

The Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. #2) is DISMISSED WITHOUT PREJUDICE to refiling in the proper jurisdiction, the United States District Court for the Eastern District of Texas.¹

Given that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment shall be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 10, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

¹ On September 6, 2013, Petitioner filed a "Supplement to Habeas Redress – Privilege(s)," Doc. #5, apparently seeking to add two new grounds to his original Petition. Nothing in that document changes the fact that this Court lacks jurisdiction to adjudicate his claims.