

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

ANTWAN RHINES,	:	
	:	
Petitioner,	:	Case No. 3:13-cv-238
v.	:	JUDGE WALTER H. RICE
DONALD MORGAN, Warden	:	
	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. #8); DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (DOC. #2) WITH PREJUDICE; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*; TERMINATION ENTRY

On December 4, 2013, United States Magistrate Judge Michael Merz issued a Report and Recommendations, Doc. #8, recommending that the Petition for Writ of Habeas Corpus, Doc. #2, be dismissed with prejudice. Although the parties were notified of their right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, and although Petitioner requested and was granted an extension of time in which to file Objections, Doc. #9 and 12/18/13 Notation Order, no Objections have been filed within the time allotted, and Petitioner has requested no further extensions of time.

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his December 4, 2013, Report and

Recommendations, Doc. #8, 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. The Petition for a Writ of Habeas Corpus, Doc. #2, is DISMISSED WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, 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 will 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: January 13, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE