

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

BRUCE R. CHAMPION

Petitioner,

-v-

Case No. C-3:13-cv-315

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**DEB TIMMERMAN-COOPER
Warden, London Correctional
Institution**

Respondent.

**ENTRY AND ORDER OVERRULING CHAMPION'S MOTION FOR
RELIEF FROM JUDGMENT (Doc. #14)**

This habeas corpus case is before the Court on Petitioner Bruce R. Champion's ("Champion's") Motion for Relief from Judgment pursuant to Fed. R. Civ. P. 60(b). (Doc. #14.) Champion seeks relief from this Court's Entry and Order dismissing his Petition for a Writ of Habeas Corpus. (Doc. #12.)

PROCEDURAL HISTORY

Champion filed his Petition for a Writ of Habeas Corpus on September 20, 2013. (Doc. #1.) The Magistrate Judge filed an initial Report and Recommendations recommending that Champion's Petition be dismissed because it was untimely by more than eleven (11) years. (Doc. #2.) Champion sought to overcome the limitations bar with a claim of actual innocence. In a Supplemental Report and Recommendations, the Magistrate Judge concluded that Champion had not satisfied the actual innocence gateway standard of *Schulp v. Delo*, 513 U.S. 298 (1995). (Doc. #7.) Champion then requested an extension of time to file objections of "at least sixty (60) to ninety (90) days." (Doc. #8.) By notation order, the Magistrate Judge granted an extension to

January 15, 2014, which was an extension of ninety-two (92) days.

Next, on January 9, 2014, Champion filed a Motion to Supplement and/or Amend the Petition to Expand the Record and Request for Extension of Time. (Doc. #9.) Therein, Champion stated that he needed this Court to order the State of Ohio “to produce documentation such as the trial transcripts, evidence used at trial, and the co-defendants case file to refute the Second Appellate District Court of Appeals of Ohio record for the direct appeal, and post-conviction.” (Id.) Also therein, Champion recognized that he could have obtained these records by public records request, but that he would have had to pay for them. On that same day, the Magistrate Judge denied this Motion. (Doc. #10.)

Although he had a total of one hundred (100) days in which to prepare and file objections to the Magistrate Judge’s Supplemental Report and Recommendations, he did not do so by the January 15, 2014 deadline. On February 12, 2014, this Court adopted both the Report and Recommendations and Supplemental Report and Recommendations and dismissed Champion’s Petition for a Writ of Habeas Corpus. (Doc. #12.) The Court noted that Champion had never filed objections to the Supplemental Report and Recommendations but considered Champion’s objections to the original Report and Recommendations de novo.

Champion now seeks to reopen the Entry and Order which adopts the Report and Recommendations and Supplemental Report and Recommendations and dismisses his Petition for a Writ of Habeas Corpus. (Doc. #14.) Champion has also filed a Notice of Appeal of this Entry and Order. (Doc. #15.)

ANALYSIS

Champion claims that he had every intention of filing objections to the Supplemental

Report and Recommendations but just did not have enough time. (Id.) He claims that he is entitled to relief under Fed. R. Civ. P. 60(b)(1) because he was surprised by this Court's ruling on his Petition for a Writ of Habeas Corpus. (Id.) He says that he "not unreasonably expected that his timely Motion for Extension of Time to File Objections would be addressed and granted prior to the issuance of a decision by this Court and he was surprised when ot [sic] was not." (Id.)

To the contrary, Champion's first motion for an extension of time (doc. #8) was granted and he was given more additional time than he requested. Champion's second request for an extension of time was also addressed and decided by being denied on January 9, 2014, more than one (1) month before the Court dismissed his Petition for a Writ of Habeas Corpus.

Litigants do not have a right to repeated extensions of time just because they ask for them before the time expires. It is now more than one hundred and forty (140) days since the Supplemental Report and Recommendations was filed which is more than ten times the period set for objections in Fed. R. Civ. P. 72. And, Champion still has not submitted objections to the Supplemental Report and Recommendations. This is in the context of a Petition for a Writ of Habeas Corpus that was filed more than eleven (11) years after the conviction in question became final.

Champion has not shown good cause to reopen the judgment in this case. His Motion for Relief from Judgment (doc. #14) is, therefore, DENIED.

DONE and ORDERED in Dayton, Ohio, this Twenty-Seventh Day of February, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Bruce R. Champion at his last address of record