

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

SIDNEY RUCKER,	:	Case No. 3:13-cv-344
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
WARDEN, Lebanon Correctional Institute,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY: (1) ADOPTING THE REPORTS AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 3, 7); (2) OVERRULING PETITIONER’S OBJECTIONS (Docs. 5, 9); (3) DISMISSING PETITIONER’S PETITION (Doc. 2) WITH PREJUDICE; (4) DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; (5) CERTIFYING THAT ANY APPEAL WOULD NOT BE TAKEN IN GOOD FAITH AND DENYING PETITIONER LEAVE TO APPEAL IN FORMA PAUPERIS; AND (6) TERMINATING THIS CASE**

This case is before the Court on the Reports and Recommendations of United States Magistrate Judge Michael R. Merz. (Doc. 3, 7). The Magistrate Judge concludes that Petitioner’s Petition for Writ of Habeas Corpus (Doc. 2) should be dismissed with prejudice, that Petitioner should be denied a certificate of appealability and that the Court should certify that any appeal would be objectively frivolous. Petitioner filed Objections to the Reports and Recommendations. (Docs. 5, 9). The issues are now ripe for decision.

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* the substantive filings in this case. Based upon the reasoning and citations of authority set

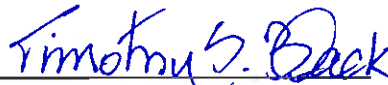
forth in the Magistrate Judge's Reports and Recommendations and the Court's *de novo* review, the Court:

- (1) **ADOPTS** the Reports and Recommendations of the United States Magistrate Judge (Doc. 3, 7) in their entirety;
- (2) **OVERRULES** Petitioner's Objections (Doc. 5, 9);
- (3) **DISMISSES** Petitioner's Petition for Writ of Habeas Corpus (Doc. 2) with prejudice;
- (4) **DENIES** any request for a certificate of appealability under 28 U.S.C. § 2253(c);
- (5) **CERTIFIES** that any appeal would not be taken in good faith and **DENIES** any request for leave to appeal *in forma pauperis*; and
- (6) **DIRECTS** the Clerk to enter judgment accordingly, whereupon this case **TERMINATES** on the Court's docket.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

1/8/14

  
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Timothy S. Black  
United States District Judge