

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

CARL R. SIMONS,

Petitioner,

v.

RHONDA RICHARDS, Warden,

Respondent.

Case No. 3:14-cv-275

Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 15) TO THE REPORT AND RECOMMENDATIONS (DOC. 13); OVERRULING OBJECTIONS (DOC. 20) TO THE SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 17); OVERRULING OBJECTIONS (DOC. 24) TO THE SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 22); ADOPTING THE REPORT AND RECOMMENDATIONS (DOC. 13), SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 17) AND SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 22) IN THEIR ENTIRETY; DISMISSING THE PETITION FOR HABEAS CORPUS RELIEF (DOC. 1) WITH PREJUDICE; AND TERMINATING THIS CASE

This case is before the Court on the Objections (Docs. 15, 20, 24) filed by Petitioner Carl R. Simons (“Simons”) to the Magistrate Judge’s Report and Recommendations (Doc. 13), Supplemental Report and Recommendations (Doc. 17), and Second Supplemental Report and Recommendations (Doc. 22) – all of which recommend that the Court dismiss with prejudice Simons’s Petition for Habeas Corpus Relief under 28 U.S.C. § 2254. On September 15, 2015, Simons filed his Objections (Doc. 24) to the Second Supplemental Report and Recommendations. Respondent Rhonda Richards, Warden of the Madison Correctional Institution, (the “Warden”) did not file a response to those Objections (Doc. 24) or to any of the other Objections (Docs. 15, 20) filed by Simons. As the time for the Warden to file a response to Simons’s Objections has expired, this matter is ripe for the Court’s review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. In response to the Second Supplemental Report and Recommendations, Simons does not assert any new substantive objections to the Magistrate Judge's analysis and conclusions. Instead, Simons merely "asks that his past objections be considered." (Doc. 24 at 4.) Upon review, the Court finds that Simons's prior Objections (Docs. 15, 20) have no merit, and were adequately addressed by the Magistrate Judge in the Supplemental Report and Recommendations (Doc. 17) and Second Supplemental Report and Recommendations (Docs. 22). As a result, no further analysis is required here.

Simons's Objections (Docs. 15, 20, 24) are not well taken and are hereby **OVERRULED**. The Court **ADOPTS** the Report and Recommendations (Doc. 13), Supplemental Report and Recommendations (Doc. 17), and Second Supplemental Report and Recommendations (Doc. 22) in their entirety, and rules as follows:

- The Court **DISMISSES WITH PREJUDICE** the Petition for Habeas Corpus Relief under 28 U.S.C. § 2254 (Doc. 1);
- Because reasonable jurists would not disagree with the Court's conclusion, Simons is **DENIED** a certificate of appealability; and
- The Court **CERTIFIES** to the Sixth Circuit Court of Appeals that any appeal would be objectively frivolous and therefore Simons should not be permitted to proceed *in forma pauperis*.

DONE and **ORDERED** in Dayton, Ohio, this Friday, October 16, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE