

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

RAYSHAUN HUDSON,

Petitioner,

: Case No. 3:15-cv-146

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

CHARLOTTE JENKINS, Warden,
Correctional Institution,

:

Respondent.

**REPORT AND RECOMMENDATIONS ON MOTION FOR
CERTIFICATE OF APPEALABILITY**

This habeas corpus case under 28 U.S.C. § 2254 is before the Court on Petitioner’s Motion for a Certificate of Appealability (ECF No. 25).

Petitioner has appealed from Judge Rice’s Decision and Entry of February 9, 2016, He intends to raise on appeal his claim that the Court erred in not addressing his Objections to the Magistrate Judge’s Report and Recommendations filed December 2, 2015.

Upon examination of the docket, there is no Report and Recommendations filed December 2, 2015. Moreover, Hudson has not shown, as required for a certificate of appealability, that reasonable jurists would disagree with Judge Rice’s decision of February 9, 2016. Judge Rice found that, despite a lengthy extension of time to file objections to the Report and Recommendations on the merits, Hudson filed no such objections until six weeks after the

extended deadline (ECF No. 23, PageID 997). Hudson has not shown that any reasonable jurist would disagree with that conclusion.

March 8, 2016.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).