

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

HARRY BAILEY by his Next
Friend Ronda Bailey, :
Petitioner, :
v. : Case No. 3:16-cv-25
THOMAS SCHWEITZER, : JUDGE WALTER H. RICE
Warden, Lebanon Correctional :
Institution, :
Respondent.

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #17);
OVERRULING PETITIONER'S OBJECTIONS THERETO (DOC. #20);
DISMISSING AMENDED PETITION FOR WRIT OF HABEAS CORPUS
(DOC. #3) WITH PREJUDICE; JUDGMENT TO BE ENTERED IN FAVOR
OF RESPONDENT AND AGAINST PETITIONER; DENYING
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA*
PAUPERIS; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael M. Merz in his May 6, 2016, Report and Recommendations, Doc. #17, as well as on a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety. Petitioner's Objections, Doc. #20, are directed to the merits of the claims, and are completely unresponsive to the bases for dismissal cited in the Report and Recommendations. They are therefore are OVERRULED.

The Amended Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. #3) 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: May 27, 2016



WALTER H. RICE
UNITED STATES DISTRICT JUDGE