

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

JOSEPH ALVIN ROYSTER,

Petitioner,

vs.

CHARLOTTE JENKINS, Warden,  
Chillicothe Correctional Facility

Respondent.

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Case No. 3:16cv059

JUDGE WALTER H. RICE

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DECISION AND ENTRY ADOPTING INITIAL REPORT AND  
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE ON  
PETITIONER’S MOTION FOR RELIEF FROM JUDGMENT (DOC.#42) AND  
SUPPLEMENTAL REPORT AND RECOMMENDATIONS ON MOTION FOR  
RELIEF FROM JUDGMENT (DOC. #49); PETITIONER’S OBJECTIONS TO  
SAID JUDICIAL FILINGS (DOC. #47 AND #53), OVERRULED; OBJECTION  
(DOC. #54) TO DECISION OF UNITED STATES MAGISTRATE JUDGE  
(DOC. #51) DENYING PETITIONER’S MOTION FOR EXTENSION OF  
TIME (DOC. #50) OVERRULED; TERMINATION ENTRY

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Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge in his initial and supplemental Reports and Recommendations on Petitioner’s Motion for Relief from Judgment (Doc. #42 and #49), as well as upon a thorough review of the applicable law and a review of the file, this Court adopts said Report and Recommendations in their entirety and overrules the Petitioner’s Objections thereto (Doc. #47 and #53). In short, the Court overrules the Petitioner’s Motion for Relief from Judgment and, for reasons stated in the Magistrate Judge’s Reports and Recommendations, concludes that any appeal from this decision would be objectively frivolous and that, accordingly, Petitioner should not be permitted to appeal

*in forma pauperis*. Moreover, this Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right and, accordingly, Petitioner is denied a Certificate of Appealability.

Finally, this Court overrules the Objection of Petitioner (Doc. #54) to the Magistrate Judge's Order (Doc. #51) denying Petitioner's Motion for an Extension of Time (Doc. #50).

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

April 6, 2018

Copies to:

Counsel of record