

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

EDWARD ROBINSON,

Petitioner,

v.

WARDEN, FEDERAL CORRECTIONAL
INSTITUTION, OTISVILLE, NEW
YORK

Respondent.

Case No. 3:16-cv-167

Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 4) TO THE REPORT
AND RECOMMENDATIONS (DOC. 3); OVERRULING OBJECTIONS (DOC. 8)
TO THE SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 6);
ADOPTING THE REPORT AND RECOMMENDATIONS (DOC. 3) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 6) IN THEIR
ENTIRETY; DISMISSING THE PETITION FOR HABEAS CORPUS RELIEF
(DOC. 2) WITH PREJUDICE; AND TERMINATING THIS CASE**

This case is before the Court on the Objections (Docs. 4, 8) filed by Petitioner Edward Robinson (“Robinson”) to the Magistrate Judge’s Report and Recommendations (Doc. 3) and Supplemental Report and Recommendations (Doc. 6), – all of which recommend that the Court dismiss with prejudice Robinson’s Petition for Habeas Corpus Relief under 28 U.S.C. § 2254. On July 8, 2016, Robinson filed his Objections (8) to the Supplemental Report and Recommendations. Respondent, Warden of the Federal Correctional Institution, (the “Warden”) located in Otisville, New York, did not file a response to those Objections (Doc. 8) or to the other Objection (Doc. 4) filed by Robinson. As the time for the Warden to file a response to Robinson’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 Supplemental Report and Recommendations, Robinson does not assert any new substantive objections to the Magistrate Judge's analysis and conclusions. Upon review, the Court finds that Robinson's prior Objections (Docs. 4, 8) have no merit, and were adequately addressed by the Magistrate Judge in both the Report and Recommendations (Doc. 3) and Supplemental Report and Recommendations (Doc. 6). As a result, no further analysis is required here.

Robinson's Objections (Docs. 4, 8) are not well taken and are hereby **OVERRULED**. The Court **ADOPTS** the Report and Recommendations (Doc. 3), Supplemental Report and Recommendations (Doc. 6), 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. 2);
- Because reasonable jurists would not disagree with the Court's conclusion, Robinson 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 Tuesday, September 27, 2016

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE