

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

ANTHONY D. BROWN,	:	
Petitioner,		
v.	:	Case No. 3:16-cv-467
WARDEN, ROSS	:	JUDGE WALTER H. RICE
CORRECTIONAL INSTITUTION,		
Defendant.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #4) AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #7); OVERRULING PETITIONER'S OBJECTIONS TO REPORT AND RECOMMENDATIONS (DOC. #5); DISMISSING WITH PREJUDICE PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS (DOC. #3); DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO PROCEED *IN FORMA PAUPERIS*; JUDGMENT TO ENTER IN FAVOR OF DEFENDANT AND AGAINST PETITIONER; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his Report and Recommendations, Doc. #4, and his Supplemental Report and Recommendations, Doc. #7, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filings in their entirety, and DISMISSES WITH PREJUDICE the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus, Doc. #3.

Petitioner's Objections to the Report and Recommendations, Doc. #5, are OVERRULED for the reasons set forth in the Supplemental Report and


Recommendations. The Court notes that, although Petitioner was notified of his right to file Objections to the Supplemental Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

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 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: January 9, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE