

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Everette E. Howard,

Plaintiff,

v.

Case No. 3:17-cv-015
Judge Thomas M. Rose

Warden, London Correctional Institution,

Defendant.

**DECISION AND ENTRY ADOPTING SUPPLEMENTAL REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
MERZ (DOC. 21), OVERRULING PETITIONER'S OBJECTIONS TO
MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 18, 24),
DENYING PETITION FOR WRIT OF HABEAS CORPUS, (DOC. 1), AND
TERMINATING THE INSTANT CASE.**

On March 25, 2016, Magistrate Judge Michael R. Merz filed a Report and Recommendation, (Doc. 13), suggesting that the Court deny Petitioner Everette E. Howard's Petition for a Writ of Habeas Corpus. (Doc. 1). Petitioner filed Objections to the Magistrate's Report and Recommendations, (Doc. 18), prompting the Magistrate Judge to file a Supplemental Report and Recommendation. (Doc. 21). Petitioner then filed Objections to the Magistrate's Supplemental Report and Recommendation. (Doc. 24).

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, taking into consideration both of Petitioner's objections. Upon said review, the Court finds that Plaintiff's objections, (Docs. 22, 24), to the Magistrate Judge's Supplemental Report and Recommendations, (Doc. 21), are not well taken and

they are hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Report and Recommendations. (Doc. 21). Petition for a Writ of Habeas Corpus, (Doc. 1), is hereby **DISMISSED WITH PREJUDICE**.

Because reasonable jurists would not disagree with this conclusion, Petitioner is hereby denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Petitioner will not be permitted to proceed *in forma pauperis*.

DONE and **ORDERED** this Tuesday, October 3, 2017.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE