

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

JERMAINE MOORE,	:	Case No. 3:17-cv-22
	:	
Petitioner,	:	Judge Thomas M. Rose
	:	
- vs -	:	
	:	
TOM SCHWEITZER, Warden, Lebanon Correctional Institution,	:	
	:	
Respondent.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOCS. 4, 7),
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 3) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 6),
AND DISMISSING WITH PREJUDICE PETITION UNDER 28 U.S.C. § 2254
FOR WRIT OF HABEAS CORPUS (DOC. 1)**

This habeas corpus case is before the Court on the Objections (Docs. 4, 7) filed by Petitioner Jermaine Moore (“Moore”) to the Report and Recommendations (“Report”) (Doc. 3) and Supplemental Report and Recommendations (“Supplemental Report”) (Doc. 6). In both the Report and Supplemental Report, Magistrate Judge Michael R. Merz concluded, on initial review pursuant to Rule 4 of the Rules Governing § 2254 Cases, that Moore’s Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus (“Petition”) (Doc. 1) plainly does not entitle him to relief. The Magistrate Judge therefore recommended that this Court dismiss the Petition with prejudice.

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. Upon said review, the Court finds that Moore’s Objections (Docs. 4, 7) to the Report (Doc. 3) and Supplemental Report (Doc. 6) are not well taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report (Doc. 3) and Supplemental Report (Doc. 6) in their entirety and rules as follows:

1. The Petition (Doc. 1) is **DISMISSED WITH PREJUDICE**;
2. As reasonable jurists would not disagree with this conclusion, Moore is

DENIED a certificate of appealability;

3. The Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*; and
4. This case shall be terminated on the Court's docket.

DONE and **ORDERED** in Dayton, Ohio, this Wednesday, March 29, 2017.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE