

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

FREDERICK NELSON,	:	Case No. 3:17-cv-62
	:	
Petitioner,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
CHARLOTTE JENKINS, Warden,	:	
Chillicothe Correctional Institution,	:	
	:	
Respondent.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOCS. 15, 18),
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 14) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 17),
GRANTING RESPONDENT’S MOTION TO DISMISS (DOC. 10),
DISMISSING WITH PREJUDICE PETITION FOR WRIT OF HABEAS
CORPUS (DOC. 1), AND TERMINATING CASE**

This case is before the Court on the Objections (Docs. 15, 18) filed by Petitioner Frederick Nelson (“Nelson”) to the Magistrate Judge’s Report and Recommendations (“Report”) (Doc. 14) and Supplemental Report and Recommendations (Doc. 17), respectively. In the Report and Supplemental Report, Magistrate Judge Michael R. Merz considered the Motion to Dismiss (Doc. 10) filed by Respondent, Warden of the Chillicothe Correctional Institution (“Warden”), and concluded that Nelson’s Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (“Petition”) (Doc. 1) is barred by the statute of limitations. Accordingly, Magistrate Judge Merz recommended that the Court grant the Motion to Dismiss and 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 Nelson's Objections (Docs. 15, 18) to the Report (Doc. 14) and Supplemental Report (Doc. 17), respectively, are not well-taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report (Doc. 14) and Supplemental Report (Doc. 17) in their entirety, **GRANTS** the Warden's Motion to Dismiss (Doc. 10), and **DISMISSES WITH PREJUDICE** the Petition (Doc. 1) as barred by the statute of limitations. Because reasonable jurists would not disagree with this conclusion, the Court denies any requested certificate of appealability and certifies to the United States Court of Appeals for the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*. The Clerk shall **TERMINATE** this case on the Court's docket.

DONE and ORDERED in Dayton, Ohio, this Monday, September 11, 2017.

s/ Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE