

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

CRAIG A. THOMPSON,

Petitioner,

: Case No. 3:18-cv-117

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

CHAE HARRIS, Warden,
Warren Correctional Institution

:

Respondent.

DECISION AND ORDER GRANTING MOTION TO DISMISS

This habeas corpus case under 28 U.S.C. §2254 is before the Court on Petitioner's Motion to Dismiss (ECF No. 55). As a motion to dismiss voluntarily, it is within the decisional authority of an assigned Magistrate Judge under 28 U.S.C. § 636(b).

Petitioner has not sought a dismissal without prejudice and has not obtained the consent of Respondent to dismissal without prejudice. Even a dismissal without prejudice would ultimately end the litigation because any refileing would be barred by the statute of limitations.

Accordingly it is hereby ORDERED pursuant to Fed.R.Civ.P. 41(a)(2), the above-captioned action is hereby dismissed with prejudice. The Clerk will enter judgment in favor of the Respondent and terminate this case on the Court's docket.

February 5, 2020.

s/ Michael R. Merz
United States Magistrate Judge