

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

FRANKIE DEAN)	
WINTERHALTER,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-13-1167-F
)	
JOE M. ALLBAUGH, Warden,)	
)	
Respondent.)	

ORDER

Petitioner, appearing *pro se*, has filed a petition for habeas relief under 28 U.S.C. § 2254, challenging the constitutionality of his state court convictions in Case No. CF-2010-400, District Court of Payne County, State of Oklahoma. Doc. no. 1. On January 25, 2017, Magistrate Judge Bernard M. Jones filed a Report and Recommendation (the Report), recommending the petition be denied. Doc. no. 32. The Report advised the parties of their right to object and that failure to make timely objection to the Report waives the right to appellate review of both factual and legal issues contained in the Report. Neither party has filed an objection.¹

With no objection having been filed, after review, the court finds that it agrees with the recommendations of the magistrate judge. The court further finds that in light of the detailed Report submitted by the magistrate judge, no purpose would be served by further analysis here.

¹ Petitioner was granted three extensions of time, most recently until May 15, 2017, to object to the Report. No objection was filed.

Accordingly, the court hereby **ADOPTS, ACCEPTS** and **AFFIRMS** the Report and Recommendation of the Magistrate Judge. The petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**. A certificate of appealability is **DENIED**.

IT IS SO ORDERED this 31st day of May, 2017.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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