

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

JEFFREY S. JOHNSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-14-307-D
	)	
JOHN WHETSEL, <i>et al.</i> ,	)	
	)	
Respondents.	)	

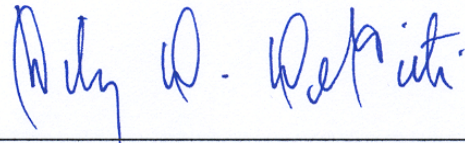
**ORDER**

Petitioner, a state prisoner being detained at the Payne County Jail and appearing *pro se*, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings. In a Report and Recommendation [Doc. No. 21] issued on July 31, 2014, the Magistrate Judge conducted a review of the petition pursuant to Rule 4, Rules Governing Section 2254 Cases in the United States District Courts, and recommended the petition be dismissed without prejudice to refile for failure to exhaust state court remedies.

The Magistrate Judge specifically advised Petitioner of his right to object to the findings and recommendations set forth therein. He further advised Petitioner that his failure to timely object would constitute a waiver of his right to appellate review of the factual and legal matters in the Report and Recommendation. Petitioner's deadline for filing objections was August 18, 2014. To date, Petitioner has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. Accordingly, the Court adopts the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 21] is ADOPTED in its entirety and the petition for writ of habeas corpus [Doc. No. 19] is DISMISSED WITHOUT PREJUDICE to refiling.

IT IS SO ORDERED this 22<sup>nd</sup> day of August, 2014.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE