

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

RICHARD LYNN DOPP,)
Petitioner,)
v.) Case No. CIV-18-520-D
JIMMY MARTIN,)
Respondent.)

ORDER

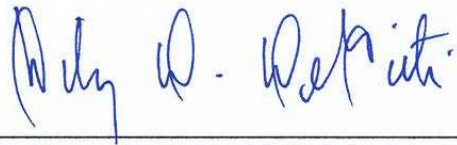
This matter is before the Court for review of the Report and Recommendation [Doc. No. 21] issued by United States Magistrate Judge Bernard M. Jones pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Jones recommends that Respondent’s Motion to Dismiss [Doc. No. 18] be denied because it raises a venue defense that was waived by omission from a prior motion. See Fed. R. Civ. P. 12(g)(2). If this recommendation is adopted, Judge Jones also recommends extending the deadline for Respondent to file his response to the Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241.

The case file shows no timely objection to the Report or request for an extension of time to object. Therefore, the Court finds that the parties have waived further review of all issues addressed in the Report. See Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991); see also United States v. 2121 East 30th Street, 73 F.3d 1057, 1060 (10th Cir. 1996). For the reasons explained by Judge Jones, the Court finds that Respondent has waived a defense of improper venue but that Respondent should be allowed additional time to respond to the Petition.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 21] is ADOPTED in its entirety.

IT IS FURTHER ORDERED that Respondent's Motion to Dismiss [Doc. No. 18] is DENIED. Respondent shall respond to the merits of the Petition no later than December 5, 2018.

IT IS SO ORDERED this 5th day of November, 2018.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive style with a horizontal line underneath it.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE