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## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

## **PARKERSBURG DIVISION**

JEROME M. BLANEY,

Petitioner,

v. CIVIL ACTION NO. 6:13-cv-08538

DAVID BALLARD,

Respondent.

## ORDER

This petition for habeas corpus relief under 28 U.S.C. § 2254 was filed on April 22, 2013. The petition was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this court of proposed findings of fact and a recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The respondent then filed a motion for summary judgment [Docket 8]. The Magistrate Judge has submitted findings of fact and has recommended that the court deny the habeas petition [Docket 23]. Objections to the Magistrate Judge's Proposed Findings and Recommendation ("PF&R") were due on or before February 24, 2014.

Approximately five days before this deadline, the petitioner filed a motion requesting an extension of time to object to the Magistrate Judge's PF&R [Docket 24]. Before this court ruled on the motion, the petitioner filed his objections over three weeks late. Although his objections are untimely, I will consider the objections. Therefore, the petitioner's motion for an extension of time [Docket 24] is **DENIED as moot.** 

In his objections, the petitioner reiterates arguments that the Magistrate Judge rejected in

her thorough and well-reasoned PF&R. Because the Magistrate Judge has already considered these

arguments and I agree with the rationale set forth in her PF&R, I need not readdress them here.

Moreover, after a thorough de novo review of the PF&R and the record in this case, I FIND that

the petitioner's objections lack merit. Accordingly, the court **ADOPTS** and incorporates herein

the Magistrate Judge's Proposed Findings and Recommendation, GRANTS, the respondent's

Motion for Summary Judgment [Docket 8], and **ORDERS** that the petition for writ of habeas

corpus [Docket 2] be dismissed and stricken from the docket of this court.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any

unrepresented party.

ENTER:

March 27, 2014

JOSEPH R. GOODWIN

UNITED STATES DISTRICT JUDGE

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