

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

TIMOTHY D. WRIGHT,

Petitioner,

: Case No. 3:02-cv-063

- vs -

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

HARRY RUSSELL, Warden,
Lebanon Correctional Institution,

:

Respondent.

**REPORT AND RECOMMENDATIONS ON MOTION FOR RELIEF
FROM THE ORDER OF AUGUST 29, 2017**

This habeas corpus case is before the Court on Petitioner's Motion (ECF No. 62) for Relief from the Court's Order of August 29, 2017 (ECF No. 61), denying Petitioner's prior Motion to Reopen Judgment (ECF No. 56).

Wright raises no question that was not already considered by this Court and rejected. While it is true that federal courts are courts of limited jurisdiction whose jurisdiction must be proved when it is challenged, the Report cited 28 U.S.C. § 2241 which gives federal courts jurisdiction in habeas corpus, thus creating a forum in which the right to habeas corpus, enshrined in the Constitution, may be exercised. That is what Wright did when he invoked the habeas corpus jurisdiction of this Court back in 2002.

Because Wright raises no new questions this Court has not already considered and because he has not shown any error of law in the August 29, 2017, his Motion should be

DENIED.

September 14, 2017.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).