

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT CINCINNATI

Ryan C. Etherson-Tabb v. Warden, Southeast Correctional
Institution

Etherson-Tabb · No. 1:25cv00409 · Decided February 20, 2026

SUMMARY

The United States District Court for the Southern District of Ohio adopted the Magistrate Judge’s Report and Recommendations after the petitioner failed to file timely objections. The court dismissed the habeas corpus petition with prejudice, denied a certificate of appealability, and denied leave to appeal in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
WRITING FOR THE COURT	Michael R. Barrett
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
DECIDED	February 20, 2026
DOCKET	1:25cv00409
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendations in a state prisoner's federal habeas proceeding. The court adopted the R&R after the petitioner failed to file timely objections, dismissed the habeas petition with prejudice, denied a certificate of appealability, and denied leave to appeal in forma pauperis.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's report and recommendations under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1)(C). Because no timely objections were filed, the court accepted and adopted the R&R.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value
PARTIES	Ryan C. Etherson-Tabb v. Warden, Southeast Correctional Institution

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the district court should accept and adopt the magistrate judge's report and recommendations when the petitioner filed no timely objections.
2. Whether the federal habeas petition should be dismissed with prejudice.
3. Whether a certificate of appealability should be denied.
4. Whether petitioner should be denied leave to appeal in forma pauperis because any appeal would be objectively frivolous.

HOLDINGS

1. When a habeas petitioner receives proper notice under Federal Rule of Civil Procedure 72(b) and fails to file timely objections, the district court may accept and adopt the magistrate judge's report and recommendations.
2. The petition for a writ of habeas corpus is dismissed with prejudice.
3. A certificate of appealability is denied because reasonable jurists would not disagree with the court's conclusion.
4. Petitioner is denied leave to appeal in forma pauperis because any appeal to the United States Court of Appeals for the Sixth Circuit would be objectively frivolous.

FACTUAL BACKGROUND

Ryan C. Etherson-Tabb, a state prisoner, sought federal habeas relief concerning his state-court custody. Respondent submitted the state-court record and a return of writ, while petitioner did not file a reply. After receiving notice of the magistrate judge's recommendation and the deadline for objections, petitioner filed no objections.

PROCEDURAL HISTORY

Petitioner filed a petition for a writ of habeas corpus. Respondent filed the state-court record and a return of writ, and petitioner filed no reply. The magistrate judge recommended dismissal with prejudice and denial of a certificate of appealability. After proper notice, petitioner filed no objections by the February 17, 2026 deadline. The district court accepted and adopted the R&R, dismissed the petition with prejudice, denied a certificate of appealability, and certified that an appeal would be objectively frivolous.

DISPOSITION

dismissed

CASES CITED

- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)
- Berkshire v. Dahl, 928 F.3d 520, 530 (6th Cir. 2019)

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