

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

OPINION

Etherson-Tabb

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT CINCINNATI

RYAN C. ETHERSON-TABB,

Petitioner, Case No. 1:25cv00409 v. Judge Michael R. Barrett WARDEN, Southeast Correctional
Institution, Respondent.

ORDER

This matter is before the Court on the January 28, 2026 Report and Recommendations (“R&R”) filed by the Magistrate Judge (Doc. 14), in which he recommends that Ryan Etherson- Tabb’s Petition for a Writ of Habeas Corpus¹ be dismissed with prejudice and that a certificate of appealability be denied. Proper notice was given to Petitioner (who proceeds pro se) under Fed. R. Civ. P. 72(b), including notice that he may forfeit rights on appeal if he failed to file objections to the R&R in a timely manner.² *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); see *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019). Because Petitioner was served by mail, pursuant to Fed. R. Civ. P. 6(d) an additional 3 days were added (to the 14 days prescribed by Rule 72).³ Accordingly, Petitioner’s objections were due no later than February 17, 2026. To date, no objections have been filed and the time to do so has passed. The R&R (Doc. 14) of the Magistrate Judge is hereby ACCEPTED and ADOPTED. 1 Respondent filed the State Court Record (Doc. 11) followed by a Return of Writ (Doc. 12). Petitioner did not file a reply. 2 See also 28 U.S.C. § 636(b)(1)(C). 3 See also Fed. R. Civ. P. 6(a)(1)(C) (“When the period is stated in days or a longer until of time: include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.”). Consistent with the recommendation by the Magistrate Judge, the Petition (Doc. 1) is DISMISSED with prejudice. Because reasonable jurists would not disagree with this conclusion, Petitioner is DENIED a certificate of appealability. The Court CERTIFIES that any appeal to the United States Court of Appeals for the Sixth Circuit would be objectively frivolous and, consequently, Petitioner is DENIED leave to appeal in forma pauperis. IT IS SO ORDERED.

s/ Michael R. Barrett

JUDGE MICHAEL R. BARRETT

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