

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

Kendra French v. Warden, Dayton Correctional Institution

French · No. 1:25cv00288 · Decided February 20, 2026

SUMMARY

The United States District Court for the Southern District of Ohio adopts the Magistrate Judge’s Report and Recommendation and dismisses Kendra French’s habeas corpus petition with prejudice. The Court denies a certificate of appealability and certifies that any appeal would be objectively frivolous, thereby denying leave to appeal in forma pauperis. The order also addresses the timeliness of French’s motion for an extension of time under the prison mailbox rule.

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	1:25cv00288
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner's federal habeas petition was referred to a magistrate judge, who recommended dismissal with prejudice and denial of a certificate of appealability. After resolving the timeliness of Petitioner's objections under the prison-mailbox rule, the district court adopted the Report and Recommendations, dismissed the petition, 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).
PRECEDENTIAL VALUE	unknown
PARTIES	Kendra French v. Warden, Dayton Correctional Institution

TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

motions to dismiss

standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Petitioner's motion for an extension of time and objections-related filing was timely under the prison-mailbox rule.
2. Whether the court should adopt the magistrate judge's Report and Recommendations and dismiss the habeas petition with prejudice.
3. Whether to issue a certificate of appealability and permit Petitioner to appeal in forma pauperis.

HOLDINGS

1. A pro se incarcerated petitioner's filing is timely under the prison-mailbox rule when postal markings show that it was placed in the prison mail system within the applicable filing period.
2. After the extended objection period expired without objections, the district court adopted the magistrate judge's Report and Recommendations.
3. The habeas petition was dismissed in its entirety with prejudice.
4. Petitioner was denied a certificate of appealability and leave to appeal in forma pauperis.

FACTUAL BACKGROUND

Kendra French, who was in the custody of the Ohio Department of Rehabilitation and Correction at Dayton Correctional Institution, filed a federal petition for a writ of habeas corpus. Respondent filed the state-court record and a motion to dismiss, and French filed a motion for stay and abeyance. The court's order primarily addressed the timeliness of French's objections and the resulting adoption of the magistrate judge's recommendation.

PROCEDURAL HISTORY

Respondent filed the state-court record and a motion to dismiss. Petitioner responded with a motion for stay and abeyance. The magistrate judge issued a Report and Recommendations on December 18, 2025. The district court initially adopted the R&R after finding no timely objections, but later vacated that action when Petitioner's mailed motion for an extension showed that it had been placed in the prison mail system before the objection deadline. After granting the extension and finding that no objections were filed by the extended deadline, the court adopted the R&R and dismissed the petition with prejudice.

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)
- Houston v. Lack, 487 U.S. 266 (1988)

OPINION

French

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT CINCINNATI

KENDRA FRENCH,

Petitioner, Case No. 1:25cv00288 v. Judge Michael R. Barrett WARDEN, Dayton Correctional Institution, Respondent.

ORDER

This matter is before the Court on the December 18, 2025 Report and Recommendations (“R&R”) filed by the Magistrate Judge (Doc. 16), in which he recommends that Kendra French’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 she may forfeit rights on appeal if she 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). Accordingly, Petitioner’s objections were due no later than January 5, 2026. Finding that no objections had been filed and the time to do so had passed, on January 6, 2026 the undersigned accepted and adopted the R&R, dismissed the Petition in its entirety with prejudice, and denied Petitioner a certificate of appealability. ¹ Respondent filed the State Court Record (Doc. 7) followed by a Motion to Dismiss (Doc. 8). In response, Petitioner filed a motion for stay and abeyance. (Doc. 13). ² See also 28 U.S.C. § 636(b)(1)(C). The next day, January 7, 2026, Petitioner’s motion for an extension of time to file objections was received (and filed) by the Clerk. (See Doc. 19). Mailed in an ODRC3 envelope marked “INMATE FREE LETTER,” postage was applied on December 31, 2025 (via Pitney Bowes software) and cancelled on January 5, 2026. (Id. PAGEID 1001). The Magistrate Judge correctly noted that Petitioner’s motion was moot. (See 01/07/2026 Notation ORDER). But because the postal markings indicate that it was placed in the prison mail system on December 31, 2025, well within the time to object, the undersigned concluded that Petitioner’s motion was timely under Houston v. Lack, 487 U.S. 266 (1988). Thus, Petitioner’s motion for an extension of time was granted.⁴ The Clerk was instructed to reinstate (as pending on the docket) Respondent’s Motion to Dismiss (Doc. 8) as well as the December 18, 2025 R&R (Doc. 16). The Clerk was

further instructed to vacate both the Order issued on January 6, 2026 (Doc. 17) as well as its accompanying judgment (Doc. 18). To date, no objections to the R&R (Doc. 16) have been filed and the (extended at Petitioner's request) time to do so (on or before February 2, 2026) has passed. The R&R (Doc. 16) of the Magistrate Judge is hereby ACCEPTED and ADOPTED. Consistent with the recommendation by the Magistrate Judge, the Petition (Doc. 1) is DISMISSED in its entirety 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

3 "ODRC" is an acronym for the Ohio Department of Rehabilitation & Correction. Petitioner is in ODRC custody. 4 Petitioner asked for an extension until January 31, 2026. (See Doc. 19 PAGEID 1000). But because January 31 fell on a Saturday, the undersigned granted an extension through Monday, February 2, 2026 in accordance with Fed. R. Civ. P. 6(a)(1)(C). (See Doc. 21).