

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

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No. 05-3847

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

JAMES R. MILLS,)	
)	
Petitioner-Appellant,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
WANDA JACKSON, Warden,)	SOUTHERN DISTRICT OF OHIO
)	
Respondent-Appellee.)	

Before: BATCHELDER, CLAY, and ROGERS, Circuit Judges.

ROGERS, Circuit Judge. James R. Mills, an Ohio prisoner proceeding pro se, appeals the district court's denial of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. After reviewing the record, the parties' briefs, and the applicable law, this court determines that no jurisprudential purpose would be served by a panel opinion and affirms the district court's decision for the reasons stated in parts I and II, and the last paragraph of part III, of Magistrate Judge Black's Report and Recommendation (R&R). *See Mills v. Jackson*, No. C-1-02-CV-664, 2005 WL 1378759, at *4-*12, *15-*16 (S.D. Ohio June 8, 2005). It is unnecessary, however, to address the R&R's finding that the government's withholding of the stained seat cover was not material because, even assuming the seat cover was material, Mills suffered no prejudice as he learned of the existence of the seat cover during his trial and did not seek a continuance. *See Mills*, 2005 WL 1378759, at *15. The district court properly denied Mills's habeas petition. Its judgment is therefore affirmed.