UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-11154-RGS

MICHAEL R. BROWN,
Petitioner

v.

SANDRA RICCI,
Respondent

ORDER ON REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

January 10, 2012

STEARNS, D.J.

I agree with Magistrate Judge Collings' analysis and his determination that petitioner Michael Brown has failed (perhaps understandably given the complex procedural posture of his case) to exhaust his state remedies in that no constitutional claim cognizable in this court has yet been presented to any state court. Consequently, his Recommendation is ADOPTED and the petition is DISMISSED without prejudice.[1] Any request for the issuance of a Certificate of Appealability pursuant to 28 U.S.C. § 2253 is DENIED, the court seeing no meritorious or substantial basis

[1]Petitioner has filed a pro se Objection essentially expressing his frustration with the state court's handling of his appeals, but without impeaching in any fundamental way the Magistrate Judge's conclusions.

supporting an appeal. The Clerk is instructed to close the case.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE