

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEVIN ROGERS,

Petitioner,

Case No. 07-10778

Hon. Marianne O. Battani

v.

Magistrate Judge Paul J. Komives

MICHAEL CURLEY,

Respondent.

_____/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING PETITIONER'S
APPLICATION FOR WRIT OF HABEAS CORPUS**

Devin Rogers filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, challenging his conviction and sentence. The case was referred to Magistrate Judge Paul J. Komives. See 28 U.S.C. § 636(b)(1). In a Report and Recommendation ("R&R") dated July 30, 2009, Magistrate Judge Komives recommended that Rogers' Petition be denied because the "state courts' resolution of [his] claims did not result in a decision that was contrary to, or which involved an unreasonable application of, clearly established federal law." R&R at 18.

Under 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2), a party seeking review of a magistrate judge's report and recommendation is required to act within ten days of service of the R&R. A party's failure to file objections waives any further right of appeal. Neither party filed an objection. Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **DENIES** the Petition for the Writ of Habeas Corpus.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: September 1, 2009

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or e-filed to Petitioner and counsel of record on this date.

sBernadette M. Thebolt
Deputy Clerk