

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE L. HARDY #444334,

Petitioner,

v.

KENNETH ROMANOWSKI,

Respondent.

Case No. 07-cv-11109

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This matter has come before the Court on the Report and Recommendation (“R & R”) of Magistrate Judge Paul J. Komives. Magistrate Judge Komives recommends in his report that the Court deny Petitioner’s application for a writ of habeas corpus.

A District Court’s standard of review for a magistrate judge’s R & R depends on whether a party filed objections to the R & R. With respect to portions of an R & R that no party has object to, the Court need not undertake any review at all. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Further, failure to file specific objections constitutes a waiver of any further right of appeal from the district judge’s adoption of the R & R. See *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981)

The last pages of the magistrate judge’s R & R notified the parties that any objections were to be filed within ten days of service of a copy of the R & R, as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). See *Walters*, 638 F.2d at 950 (“we hold that a party shall be informed by the magistrate that objections must be filed within ten days or further appeal is waived.”)

No objections have been filed and the time for filing them has long passed, so the Court need not conduct any review of the R & R. Additionally, by not filing objections, Petitioner has waived his right to appeal. See *Walters*, 638 F.2d at 949-50. Accordingly, the Court will adopt the R & R in full, and deny Petitioner's application for a writ of habeas corpus.

The Court also declines to issue a certificate of appealability in this case because by failing to file any objections to the R & R, Petitioner has waived his right to appeal the district court's order in the first place, so any attempt to appeal would be meritless. See *Walters*, 638 F.2d at 949-50.

WHEREFORE, it is hereby **ORDERED** that Magistrate Judge Komives's Report and Recommendation (docket no. 11) is **ADOPTED** in full, and Petitioner's application for a writ of habeas corpus (docket no. 1) is **DENIED**.

IT IS FURTHER ORDERED that the Court **DECLINES** to issue Petitioner a certificate of appealability.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: December 7, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 7, 2009, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager