## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

TIMOTHY BERG,

Petitioner,

CASE NO. 07-14565

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LINDA M. METRISH,

HON. MARIANNE O. BATTANI

Respondent.

## ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING PETITIONER'S MOTION

Petitioner Timothy Berg filed a letter asking the Court to reissue its decision denying his petition for writ of habeas corpus. Magistrate Judge R. Steven Whalen construed the letter as a motion for relief from judgment and recommended that the motion be denied. (See Doc. No. 24).

In his Report and Recommendation, Magistrate Judge Whalen informed Berg

that any objection must be filed within "fourteen (14) days of service," and that a failure

to file an objection constituted a waiver of any further right of appeal. (Doc. No. 24 at

10).

Because Petitioner has not filed an objection the Court **ADOPTS** the Report and Recommendation, and **DENIES** Petitioner's motion.

## IT IS SO ORDERED.

Date: December 30, 2015

s/Marianne O. Battani MARIANNE O. BATTANI United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on December 30, 2015.

<u>s/ Kay Doaks</u> Case Manager