

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC GALLOWAY, #390394

Petitioner,

v.

NICK LUDWICK,

Respondent.
_____ /

Case No. 2:07-cv-15242

HONORABLE STEPHEN J. MURPHY, III

ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY (docket no. 16)

This matter comes before the Court on Petitioner's motion for a certificate of appealability, which he seeks in order to pursue his appeal of the Court's order of October 30, 2009 accepting and adopting without objection the Report and Recommendation of Magistrate Judge Scheer dated March 31, 2009.

The petitioner failed to file timely objections to the report and recommendation, and, under Sixth Circuit precedent, any appellate review of the decision to dismiss the petition was thereby waived. See *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Petitioner's motion for a certificate of appealability (docket number 16) is therefore

DENIED.**SO ORDERED.**

s/Stephen J. Murphy, III

STEPHEN J. MURPHY, III
United States District Judge

Dated: January 6, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 6, 2010, by electronic and/or ordinary mail.

Alissa Greer

Case Manager