

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY BRANT CAROEN,

Petitioner,

Case Number: 08-11285

v.

HONORABLE AVERN COHN

BARBARA SAMPSON,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**AND**  
**DENYING PETITION FOR WRIT OF HABEAS CORPUS**  
**AND**  
**AND DENYING A CERTIFICATE OF APPEALABILITY**  
**AND**  
**DISMISSING CASE**

This is a habeas case under 28 U.S.C. § 2254. Petitioner Anthony Brant Caroen (Petitioner), who is now on parole, was convicted of one count of second degree criminal sexual conduct and two counts of accosting a child under the age of sixteen. Petitioner filed a habeas petition claiming the convictions violated his constitutional rights. The matter was referred to a magistrate judge for a report and recommendation (MJRR). The magistrate judge, in a thorough going analysis of Petitioner's claims, recommends that the petition be denied and that a certificate of appealability also be denied.<sup>1</sup>

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<sup>1</sup>Effective December 1, 2009, the newly created Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254, provides that "[t]he district court must issue or deny a certificate of appealability when it enters a

As of today's date, no party has filed any objections to the MJRR and the time for filing objections has passed. The failure to file objections waives any further right to appeal. Smith v. Detroit Fed'n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the record. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge that Petitioner is not entitled to habeas relief nor is he entitled to a certificate of appealability. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Petitioner's application for writ of habeas corpus is DENIED. A certificate of appealability is DENIED. This case is DISMISSED.

SO ORDERED.

Dated: June 2, 2010

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Anthony Caroen 481368, 8890 Pettyville Road, Pinckney, MI 48169 and the attorneys of record on this date, June 2, 2010, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160

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final order adverse to the applicant.” Rule 11(a), 28 U.S.C. foll. § 2254.