

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GODFREY CADOGAN,

Petitioner,

v.

Case No. 08-13456

Honorable Patrick J. Duggan

MILLICENT WARREN,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S APPLICATION FOR THE
WRIT OF HABEAS CORPUS AND A CERTIFICATE OF APPEALABILITY**

Petitioner filed an application for the writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions in 1995 for third degree criminal sexual conduct and assault and battery. After this Court dismissed Petitioner's initial application because it asserted exhausted and non-exhausted grounds for relief, Petitioner moved to amend the petition to assert exhausted claims only. This Court granted Petitioner's motion and he thereafter filed an amended petition on February 10, 2010. Respondent filed an answer to the amended petition on March 29, 2010. The Court referred the matter to Magistrate Judge Paul Komives for a report and recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B).

On September 8, 2011, Magistrate Judge Komives issued an R&R with respect to the petition. (Doc. 42.) Magistrate Judge Komives finds no merit in the grounds for relief asserted by Petitioner and recommends that this Court deny the petition and a

certificate of appealability. At the conclusion of the R&R, Magistrate Judge Komives informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at 20.) On September 13, 2011, Defendants filed objections to the R&R.

When objections are filed to a report and recommendation by a magistrate judge on a dispositive matter, the Court “make[s] a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). The Court, however, “is not required to articulate all of the reasons it rejects a party’s objections.” *Thomas v. Halter*, 131 F. Supp. 2d 942, 944 (E.D. Mich. 2001) (citations omitted). A party’s failure to file objections to certain conclusions of the Report and Recommendation waives any further right to appeal on those issues. *See Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to certain conclusions in the magistrate judge’s report releases the Court from its duty to independently review those issues. *See Thomas v. Arn*, 474 U.S. 140, 149, 106 S. Ct. 466, 472 (1985).

Although Petitioner’s objections span sixty-five pages, he fails to convince the Court that the exhausted grounds he asserts in support of his request for habeas relief have merit. This Court has reviewed Magistrate Judge Komives’ R&R and concurs in his well-reasoned analysis of Petitioner’s claims. To the extent Petitioner objects to the determinations by this Court and other judges regarding which claims he has properly exhausted, the time for objecting to those decisions has long expired.

In short, this Court has reviewed the R&R and concurs with Magistrate Judge Komives reasoning and conclusions. In his objections, Plaintiff fails to set forth a basis to reject the R&R.

Accordingly,

IT IS ORDERED, that Petitioner's application for the writ of habeas corpus is **DENIED**;

IT IS FURTHER ORDERED, that Petitioner is denied a certificate of appealability.

Date: October 25, 2011

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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AAG David H. Goodkin
Magistrate Judge Paul J. Komives