

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOYCE MICSAK-TOLBERT,
Petitioner,

Case No. 09-13432

Honorable Patrick J. Duggan

v.
MILLICENT WARREN,
Respondent.

**OPINION AND ORDER DENYING PETITION FOR THE WRIT OF HABEAS
CORPUS AND DENYING CERTIFICATE OF APPEALABILITY**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on July 19, 2010.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Petitioner, a state prisoner currently confined at the Huron Valley Complex-Women's in Ypsilanti, Michigan, filed this *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on August 31, 2009. This Court referred the matter to Magistrate Judge Paul J. Komives on March 9, 2010. On June 11, 2010, Magistrate Judge Komives filed his Report and Recommendation (R&R) recommending that this Court deny Petitioner's application for the writ of habeas corpus and also deny a certificate of appealability ("COA"). At the conclusion of the R&R, Magistrate Judge Komives advises the parties that they may object to and seek review of the R&R within 14 days of service upon them. (R&R at 15.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (*Id.* at 15.) Neither party has filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives.

Accordingly,

IT IS ORDERED that the Petition for the Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that a Certificate of Appealability is **DENIED**.

A judgment consistent with this opinion shall enter.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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