

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY SHEPARD,

Petitioner,  
v.

GARY CAPELLO,

Respondent,  
\_\_\_\_\_ /

Case No. 2:09-CV-15007  
HONORABLE AVERN COHN  
UNITED STATES DISTRICT JUDGE

**JUDGMENT**

The above entitled matter having come before the Court on a Petition for Writ of Habeas Corpus, Honorable Avern Cohn, a United States District Court Judge, presiding, and in accordance with the Memorandum Opinion and Order entered on May 27, 2011.

IT IS ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED WITH PREJUDICE.

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

IT IS FURTHER ORDERED that Petitioner shall be granted leave to appeal *In Forma Pauperis*.

Dated at Detroit, Michigan, this 27th day of May, 2011.

APPROVED:

**s/Avern Cohn**  
\_\_\_\_\_  
HON. AVERN COHN  
UNITED STATES DISTRICT JUDGE

DAVID J. WEAVER  
CLERK OF THE COURT

BY: **s/Julie Owens**  
\_\_\_\_\_  
DEPUTY CLERK

**09-15007**  
**Shepard v. Capello**  
**Judgment**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was mailed to Timothy Shepard, 213526, Baraga Maximum Correctional Facility, 13924 Wadaga Road, Baraga, MI 49908 and the attorneys of record on this date, May 27, 2011, by electronic and/or ordinary mail.

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