

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

WILL STEWART,

Petitioner,

v.

Case No. 10-12239

Hon. Lawrence P. Zatkoff

C. ZYCH,

Respondent.

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**OPINION AND ORDER ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Komives's Report and Recommendation [dkt 19], in which the Magistrate Judge recommends that the Court deny (1) Petitioner's application for writ of habeas corpus [dkt 1], (2) Jimmy Joiner's motion for emergency restraining order [dkt 18], (3) the motions of Jimmy Joiner, Woodie Smith, Bryan Killian, and Jeron Whitehead to intervene [dkt 7, 8, 14, 15], and (4) a certificate of appealability. The Court has not received timely objections to the Magistrate Judge's Report and Recommendation.

The Court has thoroughly reviewed the court file and the Report and Recommendation. As a result of that review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Accordingly, IT IS HEREBY ORDERED that Petitioner's application for writ of habeas corpus [dkt 1] is DENIED.

IT IS FURTHER ORDERED that Jimmy Joiner's motion for emergency restraining order [dkt 18] is DENIED.

IT IS FURTHER ORDERED that the motions to intervene [dkt 7, 8, 14, 15] are DENIED.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: December 22, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 22, 2010.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290