

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN ALBERT CONEY,

Petitioner,

vs.

Case No. 12-CV-10661
HON. GEORGE CARAM STEEH

LINDA TRIBLEY,

Respondent.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [DOC. 12] AND DENYING PETITIONER'S
APPLICATION AND DENYING A CERTIFICATE OF APPEALABILITY**

This habeas petition, brought pursuant to 28 U.S.C. § 2254, was referred to Magistrate Judge Komives for report and recommendation. On May 8, 2013, Magistrate Judge Komives issued his report recommending that the court deny petitioner's application for the writ of habeas corpus and deny petitioner a certificate of appealability. No objections have been filed to the report and recommendation and the time period for doing so has expired.

The failure to file objections to a report and recommendation generally constitutes a waiver of the right to appeal the judgment of the district court. Thomas v. Arn, 474 U.S. 140, 155 (1985); Alspaugh v. McConnell, 643 F.3d 162, 166 (6th Cir. 2011). The court hereby **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation.

Petitioner's application for the writ of habeas corpus hereby is **DENIED and DISMISSED WITH PREJUDICE** and a certificate of appealability hereby is **DENIED**.

IT IS SO ORDERED.

Dated: June 12, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

On June 12, 2013, copies of this Order were served upon attorneys of record and also on John Coney, #418821, Ojibway Correctional Facility, 5705 Ojibway Road, Marenisco, MI 49947, by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk