

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ELIJAH MIDGETT,

Petitioner,

Civil Action No.  
09-CV-13654

vs.

HON. MARK A. GOLDSMITH

MITCH PERRY,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge Paul J. Komives, entered on January 4, 2012. The Magistrate Judge reviewed the merits of Plaintiff's habeas petition and recommended that it be denied. Plaintiff has not filed objections to the R&R and the time to do so has expired. Thus, Plaintiff has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the thorough R&R and finds the Magistrate Judge's analysis and result to be correct.

Accordingly, the Magistrate Judge's R&R (Dkt. 15) is accepted and adopted as the findings and conclusions of the Court. Plaintiff's habeas petition is denied.

SO ORDERED.

Dated: May 30, 2012  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 30, 2012.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager