

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

WALTER GILLEN,

Petitioner,

v.

Case No. 13-11354  
HON. TERRENCE G. BERG  
HON. PAUL J. KOMIVES

STEVE RIVARD,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Petitioner Walter Gillen, a state prisoner currently incarcerated at the St. Louis Correctional Facility in St. Louis, Michigan, is seeking a writ of habeas corpus, alleging that both his Fourteenth Amendment right to present a defense, and his Sixth Amendment right to confrontation were violated and that he was denied a fair trial by the improper admission of certain expert testimony.

On September 24, 2013, the Court referred this case to Magistrate Judge Paul J. Komives. This matter is now before the Court on the Magistrate Judge's April 3, 2014 Report and Recommendation (Dkt. 10), recommending that the Court both deny Petitioner's application for a writ of habeas corpus and deny Petitioner a certificate of appealability.

The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo

determination of those portions of the report . . . to which objection is made.” *Id.*  
Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Nevertheless, the Court has carefully reviewed Petitioner’s application and the government’s response and does hereby **ACCEPT** and **ADOPT** Magistrate Judge Komives’ Report and Recommendation of April 3, 2014, as this Court’s findings of fact and conclusions of law.

Therefore, Petitioner’s application for a writ of habeas corpus is **DENIED**; further, Petitioner is **DENIED** a certificate of appealability.

SO ORDERED.

Dated: April 30, 2014

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

### **Certificate of Service**

I hereby certify that this Order was electronically submitted on April 30, 2014, using the CM/ECF system; a copy of this Order was also addressed to Petitioner and mailed to 801301 St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, Michigan 48880.

s/A. Chubb  
Case Manager