

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN MARTIN,

Petitioner,

Case No. 10-13331

HON. JOHN CORBETT O'MEARA

v.

CAROL HOWES,

Respondent,
_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court having reviewed the Report and Recommendation filed on May 10, 2011 by Magistrate Judge Paul J. Komives, as well as any objections thereto filed by the parties, and being fully advised in the premises;

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED as the findings and conclusions of this Court.

IT IS FURTHER ORDERED that Respondent's February 24, 2011 Motion for summary judgment is GRANTED, and the Petition for Writ of Habeas Corpus is DISMISSED.

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

s/John Corbett O'Meara

United States District Judge

Date: August 1, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 1, 2011, using the ECF system and upon Petitioner at Lakeland Correctional Facility by first-class U.S. mail.

s/William Barkholz

Case Manager