

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRANDON LEE SMITH,

Plaintiff,

Case No. 1:07cv810

v.

Hon. Robert J. Jonker

CARMEN PALMER,

Defendant.

_____ /

ORDER
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on August 5, 2010. No objections have been filed pursuant to. In addition, the plaintiff's copy of the Report and Recommendation sent via U.S. Mail was returned to the Court on August 9, 2010, marked "Paroled." The plaintiff having failed to keep the Court apprised of a current address as required under Local Rule 41.1 and there being no objections filed pursuant to 28 U.S.C. § 636(b)(1)(C),

IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed August 5, 2010, is approved and adopted as the opinion of the court. The Petitioner's habeas petition is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability from the judgment issued this date is **DENIED** because a reasonable jurist could not conclude either that the District Court erred in dismissing the petition for failure to exhaust or that the petitioner should be allowed to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Dated: August 30, 2010

/s/ Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE