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

LURON LEE,

Petitioner,

v. Case No. 1:08-CV-118

CARMEN PALMER, HON. GORDON J. QUIST

Respondent.
_____/

ORDER ADOPTING REPORT AND RECOMMENDATION

On April 1, 2009, Magistrate Judge Hugh W. Brenneman, Jr. issued a report and recommendation in which he recommended that Petitioner's habeas petition be summarily dismissed without prejudice pursuant to Rule 4. In his report and recommendation, the magistrate judge noted that Petitioner had filed two previous actions, one of which was dismissed for failure to raise a cognizable federal claim and the other dismissed without prejudice for failure to use the correct habeas form to file his petition. The magistrate judge further noted that on February 14, 2008, after Petitioner filed his petition in the instant case, Petitioner was ordered to refile using the appropriate form. Petitioner filed an amended petition on the form on February 29, 2008, along with a motion stating that his life is in danger due to "Deliberate Indifference to Serious Medical Needs" and a motion demanding that the Court read all of his pleadings. The magistrate judge concluded that Petitioner's new pleadings fail to provide the Court with sufficient information to conduct a preliminary review pursuant to Rule 4, including the date his major misconduct tickets were issued, the reason they were issued, and whether Petitioner appealed any of his misconduct tickets to the hearings division or the state.

After conducting a *de novo* review of the report and recommendation, as well as the materials on file, the Court concludes that it should be adopted as the Opinion of the Court.

Petitioner did not file an objection to the report and recommendation. Instead, he filed a Motion for Reconsideration, in which he asserts three grounds. None of these grounds is responsive to the recommended basis for dismissal without prejudice. Petitioner's motion for reconsideration will thus be denied. Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation issued April 1, 2009 (docket no. 8) is **APPROVED AND ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Petitioner's Motion for Reconsideration (docket no. 11) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's habeas corpus petition is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4 because Petitioner has failed provide sufficient information to allow the Court to conduct a preliminary review under Rule 4.

This case is **concluded**.

Dated: May 11, 2009

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE